

MINUTES – OCTOBER 17, 2011

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, October 17, 2011. Members present: Nathaniel Hall, Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, William E. Carter, Jeremiah Jefferies, and Cathy W. Lucas. Absent: Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Hall opened the meeting with a Moment of Silent Prayer.

Chairman Hall stated "If you will notice one of our commissioners is absent tonight, Commissioner Satterfield. He has been hospitalized for an illness. Please remember him also in your prayers."

APPROVAL OF AGENDA

Chairman Hall stated "We need to remove Item 7 Caswell County Single-Family Housing Rehabilitation Project. We will move this to a later date."

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the Consent Agenda as presented.

Commissioner Lucas asked "I have a question about the Budget Amendment. Is this in regard to the Solid Waste Fee, is that correct?" Mr. Howard responded "No ma'am." Commissioner Lucas asked "My question is about this Wal-Mart Foundation donation. What specifically is the Wal-Mart Health & Wellness Books? All of that money was transferred from?" Mr. Howard responded "This is actually a grant that the Library received to buy some books for the Library."

Upon a vote of the motion, the motion carried unanimously.

The following items were included on the Consent Agenda:

- A) Approval of Minutes of September 27, 2011 Special Meeting
- B) Approval of Minutes of October 3, 2011 Regular Meeting
- C) Budget Amendment #3
- D) Tax Director's Monthly Report

PUBLIC HEARING

Mr. Ferrell stated "The state has requested the County to lease some property in the Industrial Park to enable the state to build out its VIPER network. What you have before you tonight is a lease and then a sublease agreement. The lease is a ground lease that will give the State of North Carolina a lease on the ground and then a sublease agreement whereby they would lease back space on this tower for the County to use for its emergency services purposes. So that is what is before you tonight. It is here for a public hearing tonight because the ordinance requires it. It exempts governmental projects from the tower ordinance however that can only be done after a public hearing."

Commissioner Jefferies moved, second by Commissioner Travis that the Board enter into a public hearing to receive comments on the State Communications Tower. The motion carried unanimously.

Commissioner Lucas asked "I just have a question as far as the actual lease agreement. Is there going to be fencing around this tower? I did not see it in here." Mr. Howard responded "There will be." Commissioner Lucas continued "For security purposes? I did not see it in here." Mr. Howard responded "Yes ma'am." Mr. Ferrell responded "It might not be addressed particularly in the lease itself but I know if you have a structure like this you would want to keep people off of the tower." Commissioner Lucas asked "Any landscaping to be included in that or?" Mr. Howard responded "I would doubt there would be any landscaping around it." Mr. Ferrell responded "Again, the typical tower ordinance requires this and there is actually another tower coming up later this evening that you will hear about, the ordinance requirements are for the installation of fencing and other structures but the ordinance exempts governmental facilities and towers from the strict compliance. Now that is something that you can talk with the state about on the fencing and landscaping but they are exempt from the technical compliance of the ordinance because they are a governmental agency." Commissioner Lucas asked "So they don't have to abide by the ordinance, is that what you are saying?" Mr. Ferrell responded "That is what I am saying."

Chairman Hall asked if there was anyone who would like to speak at this time. Chairman Hall declared the Public Hearing as closed.

Commissioner Jefferies moved, seconded by Commissioner Travis to enter into the Lease and Sublease agreements with the State of North Carolina at the Pelham Industrial Park.

Commissioner Lucas asked "Chairman Hall, the exact location of this tower, where will it be? Do we know?" Mr. Howard responded "In the Industrial Park." Commissioner Lucas continued "But where in the Industrial Park?" Mr. Howard responded "It is on the outer edge of the property just down past where the ABC store is located." Commissioner Lucas asked "How much land is it going to take up? Does it say in the lease?" Mr. Ferrell responded ".2 acres." Commissioner Lucas continued "And that would be the equivalent of?" Mr. Ferrell responded "The physical address is 852 NC Highway 700." Commissioner Lucas asked "Is the road already into the site or?" Mr. Howard responded "They will be using the existing access road."

Upon a vote of the motion, the motion carried unanimously.

PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Mr. John Claggett came before the Board and made the following statement:

“Good evening, my name is John Claggett. I reside at 108 Jaye Lane, Providence, NC.

First let me say that my neighbors and I are very pleased to see that there is a draft copy of a waste, fraud, and abuse policy for the county contained in this evening’s agenda, which we feel is a positive direction for the county.

Having reviewed recent invoices concerning vehicle maintenance and repair for the Emergency Medical Services and Caswell County Area Transportation System my fellow taxpayers and I have made some discoveries, such as;

1. Invoices charging the county without any narrative of work performed. What kind of record does that provide you?
2. Work that could be performed in the county is being performed outside of the county because it’s convenient. We’re spending our tax dollars helping another community’s economy and the lion’s share of the money spent in the county goes to two or three businesses. We think the county should be more cognizant of helping our local economy by staying within the county and spread the spending of our tax dollars more evenly to our automotive businesses throughout the county. Why neglect our own?

This information was gathered by reviewing two of Caswell’s vehicle dominant departments as evidenced by the stack of invoice copies I have here. Three weeks ago vehicle invoices for the Sheriff’s Department were requested. The County Manager explained that I would have to get those from the Sheriff’s Department. I contacted Sheriff Welch with the request and having not even an acknowledgement from our Sheriff for the better part of a week I went back to the County Manager. As most of you know my colleagues and I have emails to support this.

After three weeks instead of copies of invoices we get an undated chopped up spread sheet which is called a list that contains vendor’s names, vendor’s numbers along with an amount charged. We feel that this was by design and definitely not in the intended spirit of NCGS 132-6.2. We would like to know this evening if the county is going to supply the invoices requested three weeks ago, and if so when they can be retrieved. Look at the draft copy of the waste, fraud, and abuse policy in your agendas as it applies to the information given in this statement. Thank you.”

Chairman Hall asked if there was anyone else who would like to speak at this time. Chairman Hall declared the Public Comments as closed.

BEACON TOWERS LAND LEASE PROPOSAL

Mr. Ferrell stated "If you will recall at the last meeting there were some initial discussions of a proposal to lease some property on the closed county landfill to Beacon Towers. An offer has been made by Beacon Towers to enter into a long term lease with the county for that property. Any time that you have a lease greater than 10 years for county governments it triggers the public sale requirements to be followed just as if you were selling the property. For a long term lease you have to follow the same requirements so this evening you have before you a resolution that, should you so choose, would authorize the long term lease of this property subject to the negotiated offer and upset bid process outlined in the North Carolina general statutes. So you have the resolution before you. You also have a copy of the proposed lease. Mr. Deputy from the proposed tenant, Beacon Towers, is here to speak about this application for a lease. The tower application itself has gone through the Planning Board review process. It was reviewed and approved by the Planning Board, the location of this tower and all the specifics to the tower itself. That is just for your information as well."

Mr. Martin Deputy with Beacon Towers stated "Good evening, Martin Deputy with Beacon Towers. I appreciate you for allowing me to come up. I will be glad to answer any questions but first let me give you a quick overview and tell you why we are here. Back in March I think we sent a letter in requesting that you would open this process up which was voted for. We got with the county manager, the county planner and the waste management director. We have been working with them for the past 6 months to get the site plan and the area. Recently we have worked with the county attorney to go over all the legal stuff, obviously to make sure that it follows your regulations and stuff. The big picture is we are hired by AT&T. They are coming into the market here. They have several sites that they are interested in here in the county. I think that it is going to be a great partnership. Obviously you all want the best for your community and the best communication. As you see tonight there is another communication tower that is more on the safety end. Part of this lease and agreement is to allow this 250' tower to be used by the county for any sort of emergency services. I assume that this would be a benefit. There is a lot of need for efficiency in wireless service. Just to give you the big picture, the last site that AT&T has is right at the county border at 86 and 265. They are looking at co-locating on the site that is right by the gas station south on 86. The next site with the county would marry into that. The final would be in downtown Yanceyville. This would bring coverage all the way down to the county seat here. About a month ago we got approved for another site that is up in Semora. There was actually another site but because of some budget things that were over near Pelham, it was taken off the plate. Basically this is that last piece of that puzzle to make this stream down and I hope that you see the benefits of us leasing from the county and bring this service here and also the emergency service aspect of it, let alone the use of the tower for everyone whether there is someone having trouble on the side of the highway or that part of the county. That is another way to communicate back for safety. I will answer any questions if you would like."

Commissioner Lucas asked "You said something that spurred my interest. You said the Pelham site was taken off. What was the reason for that?" Mr. Deputy responded "They don't really give me all of that information." Commissioner Lucas continued "Because there really is poor coverage over there. There is no tower." Mr. Deputy responded "It is. There is no coverage

there. Everyone is hurting now and budgets are tighter now than they have been in the past. That was my understanding and I think we are fortunate enough that they did not pull back even more. That is the best I can tell you. I don't make those decisions but it was my understanding that it was a budgetary issue and there are a lot of things that go into it. I think at the end of the day they saw the use of coming down here was the best money they could spend if they were going to have to make a decision. I do want to mention that this is a timing thing as well and if we can't get past this they need to make some other decisions. We started in March and I understand there is a process with the county and working with the county and the planner and the attorney. I think we have really done a great job. We should be able to start this project and to be able to start spending that money here." Commissioner Lucas continued "A couple more questions. The type of tower, what kind of coverage will we get from this particular tower or distance?" Mr. Deputy responded "Can I show you a map?" Commissioner Lucas responded "We have one in here." Mr. Deputy stated "This is a coverage map. The first one I will show you has four colors. Green is your best coverage, blue, yellow, red, white no coverage. I think you can see that there is a lot of white on this page. Any coverage you are getting is from that last site on the county moving its way down. The red is outside. You cannot go into a house to make a call. You would have problems in a car. When we are done with the three sites this is the one we are talking about tonight. In short the answer is maybe 3 miles." Commissioner Lucas stated "I was going to say maybe 5 miles. Is it an omni tower or a directional tower?" Mr. Deputy responded "It is a directional tower. There are three different sectors. Everything they are doing now has the ability to change the tilt. These things will be able to get the best coverage they can."

Commissioner Carter asked "You said AT&T. Is there going to be any other carriers on this tower, like Verizon?" Mr. Deputy responded "We don't have any others yet." Commissioner Carter continued "I have heard a lot of complaints from Verizon customers about a dead spot between Yanceyville and Danville and between Yanceyville and Prospect Hill." Mr. Deputy responded "It is my understanding that you do not have any Sprint or any T-Mobile service in the entire county. AT&T, that is in their picture. They made it best for 1/3 of the county and Verizon and US Cellular are here but their networks aren't that good. The good thing is the policy that you all have in place in your zoning will be able to accommodate that. I think once this opens up, competition will take place."

Commissioner Jefferies stated "I heard you say that this will go to Semora and Milton, this tower you are talking about. I know we have some bad spots in Semora and Milton. We have to drive half way to Yanceyville before we can get anything on the phone. Are you sure this is going to be the thing that is going to help us?" Mr. Deputy responded "They have spent a lot of time and a lot of money but the biggest thing now is they will not build a network now unless they can get the best in building coverage. It is not like it was before when you had a really tall tower. It will have DB on it and they will make sure that it has good in building, in commercial, in hospital, coverage. That is why it is so pivotal that it be in the places that they need them so they can make this possible. AT&T is probably one of the more aggressive ones right now in that. Obviously there is a big need for it and a big demand."

Chairman Hall asked "Give us the big picture that you are hearing now. I think often times many of our citizens when they think about cellular we think they all are the same. I may have

Verizon but you are talking about AT&T. With the towers that you have talked about that you are proposing what type of coverage will Caswell County have with AT&T?" Mr. Deputy responded "We are building the latest infrastructure or super highway." Chairman Hall continued "What kind of coverage will Caswell County have? If I change my carrier to AT&T where will I be able to make calls in this county?" Mr. Deputy responded "The whole Yanceyville area and out 86 3 1/2 miles out each direction. Six miles out both ways. I can get you that information. This information would not be out yet. I can have a county view made up." Chairman Hall stated "What you are telling me is Yanceyville will probably be covered and that is a very small percentage of the citizens of this county." Mr. Deputy responded "Now that is just for the site downtown. I would estimate with the four sites you will be adding close to half of the county. This is a pretty large area but there is a lot more work to be done. This is the first step. Once they come down here then they can go up others roads and go up 158." Commissioner Lucas added "And 29?" Mr. Deputy continued "They are really not in the county now. They want to be in here. This budget year I think there are a lot of counties that would like to have this brought to them and the hope is if this works out they are going to use Yanceyville as a spur to go out. All I know is when I look at their maps, the other counties around you seem to have better coverage. I don't know why but the time has come." Chairman Hall stated "We notice the same thing."

Chairman Hall asked "Any particular reason why AT&T contracted with you guys opposed to coming directly to us?" Mr. Deputy responded "We are good at what we do. We do a lot of business with AT&T in the southeast. The other reason is they like our money. They don't build towers. They build networks. A lot of people are getting out of that. They don't own their buildings. They don't own their trucks. They don't own anything." Chairman Hall continued "The network is what I am concerned about. We have some service with AT&T in the county now. In the section of the county that I live it is not very good. I would really, personally, like to see an AT&T person say to us that we are going to get you high speed internet in the southern parts of the county. I would like to see a big picture opposed to we want to get your cellular so we can take that part of the market from the other cellular people. It appears to me and I know that AT&T is not here but they are not sharing with us the big plan of what they want to do for Caswell. They want to come in and cherry pick the best spots from Yanceyville to Danville on 86 and move on. That does not make me feel good." Mr. Deputy responded "I can understand that. I fought for a long time to get some coverage in the subdivision where I live. The best I can say is they are here. They want to put this network in and they want to do it quickly. As the 2011-2012 budget comes out that may be an appropriate time to hook you up with getting some conversations for next year. I think the county board would have a lot of pull in that regard." Chairman Hall stated "Sir I want the conversation now. We have been trying to reach AT&T for years. Everyone around this table can tell you that we have citizens that come every two or three months and ask when are we going to get high speed internet in the southern part of the county and we tell them it is up to AT&T. Well AT&T says it is not cost effective but they want to come in and do cellular. I think we are losing on this. We need some conversations." Mr. Deputy responded "I guess there is two different parts to that. One is a lot of the band and a lot of the internet is now coming through cellular and coming through wireless. In other countries they don't even build out land line connection, they go straight to this. These sites will be 4G. It is 3G now. These sites are slotted for 4G which is the latest technology." Chairman Hall stated "But it won't cover southern Caswell what you are proposing. It will cover from Yanceyville up

86 to Danville so even the 4G won't do anything for us. I have a couple more questions I would like to ask you so we can move on. I looked at the proposed agreement which is for 50 years and you have the right to cancel at any time. That does not sound like a good business deal for us." Mr. Deputy responded "It happens all the time. That language was not specifically made up for you all." Chairman Hall stated "But we have to deal with what is specifically for us. The other thing I noticed in here is you can add tenants or for a lack of a better word you can stack them on and you can charge these tenants but our lease rate remains the same." Mr. Deputy responded "Correct." Chairman Hall continued "For 50 years?" Mr. Deputy responded "No, it goes up 15% every 5 years." Chairman Hall stated "Yes but I mean other than the 15%, it remains the same." Mr. Deputy responded "Correct." Chairman Hall added "Secondly, you mentioned space for emergency services and other things on the tower. The agreement says if space is available and they used the term 200' rad, what does that mean?" Mr. Deputy responded "I probably should have changed that in there but rad is radiation center or the height of the tower. If the tower is 250' then the county can utilize up to 200' at no cost." Chairman Hall continued "If space is available." Mr. Deputy responded "Yes if space is available." Chairman Hall stated "That is what is says in the contract." Mr. Deputy responded "Yes." Chairman Hall stated "Well I can tell you that I am not comfortable with those two things."

Commissioner Battle asked "Did you say it will be 4G or is slotted to be 4G?" Mr. Deputy responded "I want to be careful not to speak out of turn. It is my understanding that everything that they are going to do from AT&T either for this year and for next year is going to go to their 4G and right now the little e in there is the Edge and that is going away. I think that is a lot of the budgetary things, but they are trying to get that all into place. They have learned with this i-phone that they need a ton of band width. I don't think that this community would be any different than anywhere else. My understanding is this infrastructure is going to be in place. We are going to bring in the tower and the telephone and the facilities to be able to handle whatever they need. It is turning into little mini switches where basically instead of having a building downtown each one of these will have its own switch with all the power and telephones to be able to handle this massive amount of pictures and email and voice networks."

Commissioner Lucas asked "Shouldn't that be a part of the negotiations with the internet capability and everything else?" Chairman Hall responded "In my mind it should be and that is why I would rather be talking with AT&T because they control what happens." Commissioner Lucas continued "This gentleman builds the towers." Chairman Hall responded "Right." Mr. Deputy added "Yes ma'am." Commissioner Lucas asked "What kind of time frame are we dealing with here? You said something about the budget year." Mr. Deputy responded "Well it is my understanding if we could get this approved we could get the drawings finalized and do the due diligence that we have to do and have this tower hopeful going to construction the first of the year and be done in the first quarter." Commissioner Lucas stated "Explain to me the four locations. I know the one that is located on 265. Where is the second one on 86?" Mr. Howard responded "I think it is the tower next to the convenience site beside 86 Convenient Mart." Mr. Deputy added "It is about a 250' existing tower, a three legged tower. Forgive me I don't know the name of the gas station but I have a map here." Commissioner Lucas asked "So AT&T is utilizing that tower?" Mr. Deputy responded "They are not on the tower but they have that applied for and I believe it has gone through the county for a building permit for them to go on that site. They will be utilizing that site and then I believe they are using the US Cellular site

that is down here by the school. Those are the three to get us down here. So like I said this is important for them. It is like a freeway you can't just build two parts of it and have nothing that connects them. You can't start a freeway and just end it. It is an important progression to come down." Commissioner Lucas asked "We just approved the tower for the Industrial Park, is that correct?" Mr. Howard responded "Yes ma'am but that is different. That is strictly for government use." Commissioner Lucas continued "So AT&T cannot be located there? I thought that may have impacted why they decided not to locate there." Mr. Howard responded "The water tank that we are building out there will have an antenna on top for folks to locate on there."

Commissioner Battle asked "You will be the same company that is proposing to put the tower up in Milton or Semora?" Mr. Deputy responded "Correct." Commissioner Battle continued "AT&T?" Mr. Deputy responded "Yes, it is in construction now. That one should be completed by the end of November." Commissioner Battle continued "And you can correct me if I am wrong but I think I am right. You only have a few select cities in the state of North Carolina that have 4G coverage and they are in Guilford County and I believe in Mecklenburg County. Raleigh does not have it yet. So if it is true what you are saying is that Caswell County would have 4G network that is a big feat considering these big metropolises don't have it but if I am wrong tell me." Mr. Deputy responded "That is a big thing, no doubt about it. We can find out exactly for that site but I would like to have AT&T to tell you that. My understanding is they are upgrading and jobs did all of this. They are going to be utilized at such a level that they are scrambling now. You may have picked up in the paper that AT&T is buying T-Mobile. They are scrambling to be able to fix their things because customers are getting, and like Mr. Hall is alluding to, frustrated and he is not the only one."

Commissioner Jefferies asked "Do you think \$800 a month is a fair price for a tower?" Mr. Deputy responded "Absolutely. It is more than the Rose site is." Commissioner Jefferies continued "I know I was told \$975." Mr. Deputy responded "I don't know how I can prove it. We came more aggressive, if it has to go out to bid we want to do what we have to make the county happy but yes it is. Can someone find one that pays a lot more in Raleigh? Yes. If you do not want to do this I am certain we can find other people who may want to do this. The big picture that I really want to focus on is I think this is important in my opinion for communities to have this kind of communication and that kind of supersedes, I think, the things before with the state tower, VIPER system. They are doing something different but it is the same. They need their communication and I am not sure what they are paying. How much are they paying?" Chairman Hall responded "That is not an issue. We want to hear your presentation so we can make a decision and move on."

Commissioner Lucas asked "Could the county have negotiated for plan and services for the county operations?" Mr. Deputy responded "That is a good question. No, they used to do that in the beginning. It happened quite a bit and it quickly got out of hand. Not one of the carriers, not one of the five carriers since the 15 years I have been doing this, it gets abused. They have had so many problems. Their deal is to use the money to either buy jackets or go buy phones or whatever you want but we can't do it. That is a question that I get quite a bit." Commissioner Lucas continued "I think it would be reasonable. I talked to someone who actually has one of these towers and actually negotiated that into the contract." Mr. Deputy responded "It is a deal

killer. That would be a deal killer I am positive. We are told certain things that are just told no and that would be one of them. But I don't question that. I do hear a lot of things about what people did get and how much they got but I deal with a lot of clients, not only AT&T."

Commissioner Carter moved, seconded by Commissioner Lucas to enter the lease as presented with Beacon Towers for a period of 5 years and terms of renewal.

Mr. Ferrell stated "Let me just clarify that what is before you, because of the way the upset bid process works is what is before you, is a resolution that sets up the upset bid process. The mandatory terms of the lease are set out in the resolution. You can't actually enter into the lease until the upset bid period has run its course."

Chairman Hall asked "So the resolution mirrors the contract essentially?" Mr. Ferrell responded "The essential terms and if there are no subsequent bids the lease would then be deemed approved so you want see it again. If there are no qualifying upset bidders this lease would be deemed approved."

Chairman Hall stated "Fellow commissioners I have a couple of problems with this lease agreement. I have a real problem with a 50 year contract. If Mr. Battle's question is correct and we move to 4G the technology is going to change in leaps and bounds in 50 years and we are going to be stuck here with an \$800 a month contract. We are going to have our \$800 a month contract if they are carrying four or five 4G companies so I have a problem with that. I have a problem with the option to cancel. If there is going to be an option to cancel then we should have that same option and not an automatic renewal of the 50 years either. I just can't vote for that. We are basically giving away our resource for 50 years. Those are my problems with this lease that they are proposing."

Mr. Ferrell stated "I would like to mention that I have spoken with their attorney and raised the very same issues that you are raising: the terms, the right to cancel, unilateral right to cancel as I call it and then the no increase revenue for additional carriers that may come onto the tower. The county manager and I raised those specific issues and were told that this is where they are and that this is the best that they were willing to offer at this point. But just so you know those issues have not been overlooked by the county manager and they have been the substance of significant discussions but what you have before you is the offer on the table."

Commissioner Lucas stated "In looking into this I talked with three tower lessors and 60 years was the term they were locked into but that is a private situation. That is pretty standard from what I understand." Mr. Ferrell responded "It is and I can give you the rationale that we heard when we asked this question if the Board would like to hear the..." Commissioner Lucas continued "Because I was bothered by the 50 years too." Mr. Ferrell responded "No doubt about it. It was a concern for us too. I think what you will hear is that it is standard and the response we did hear when we asked about cutting this down to 25 years or some other number was in order to justify the expense in constructing this tower they need the ability to have access to it for some long period of time in order to recover their investment. That is what you will hear and that is what we heard in response when we asked the question."

Chairman Hall stated "I doubt very seriously that they will depreciate this over 50 years." Mr. Ferrell responded "Mr. Deputy may be able to respond to specific questions about these terms."

Mr. Deputy stated "These companies need to know that this is going to be here for a long time. These telephone poles that are out front here have been here for a long time and if all of a sudden they are pulled up because of an expired agreement that would be against the public good. They have to know that they are going to be there for a long time to do this. A lease is what they had particularly done because it does not make sense to buy a 100 by 100 square that is less than a quarter of an acre. Again I will remind you it is on the landfill site. It is out of the way. It is a bid and rebid process. I appreciate it but I guess I am trying to find the best way to do this. If you want to do it right now we can. I don't have an issue. We will be glad to have it bided out and see if someone steps in. We will be glad to step up or we will be glad to walk out the door. It is important that they have that length first of all not just for depreciation or for business they, all these carriers, need to know that when they spend their money. That shelter just looks like a shelter but it is a lot of money and a lot of technology and they are bringing fiber. They bring fiber to every one of their stations. I don't know if you have fiber in Caswell County now but you will when they are done because they have to bring that in for their stuff. From that it spawns a lot of other things. I have seen where they have spent \$250,000 just to get the telephone fiber dug in the road to the site. They need to know that this is a long term play and not just a business play. Just to answer the other question, I have never seen a tower come down. I have been doing this for fifteen years but I have never heard of a tower coming down. There may be a day when other things come along but they are an important part of all of this but things do change." Chairman Hall responded "Right that supports my position, if they are not coming down so why not negotiate with us every five or ten years." Mr. Deputy stated "You have five years." Chairman Hall responded "Not from what our attorney just told us. The resolution that we pass will have embedded in it the contract that was submitted to us and that contract only gives you the option to cancel. It does not give the county the option to cancel." Mr. Ferrell responded "There is a right to terminate on behalf of the county because of the landfill itself. If state regulators came in and said we are going to have some remediation work that you are going to have to do up here. So there is some right to cancel if a state regulator was to come in and say you cannot have this tower there anymore." Chairman Hall stated "That I understand but I am talking about from a business standpoint. Now he mentioned for public good, what we have to represent is the public good of Caswell County and right now I just don't see it."

Mr. Deputy stated "We did have conversations about that and we put in extra language for that. If there is a reason that you think you need that for something else in the next five or ten years then this is not the place for this tower to go. It needs to go somewhere where it can be there for a long time." Chairman Hall responded "You're misunderstanding me sir. I am not concerned about whether we are going to need the property for something else. What I am concerned with is you coming back to the table and negotiating with us before the 50 years is up. You could say things are looking better. We have 4G all over the world and you are making money hand over fist and we want to up your rent from \$800 to \$1000 a month. I don't understand why you are not willing to have this negotiation." Mr. Deputy responded "I am willing to have it right now." Chairman Hall stated "We can't negotiate right now we have a motion on the table and a resolution and once we vote upon it we have to live with it so we can't negotiate right now."

Commissioner Carter stated "I would just like to point out that the resolution I am looking at and ya'll may have a different one from what I am looking at but it says 'the initial amount of \$800 per month, for an initial term of 5 years with 9 additional optional renewal terms of 5 years each'. According to this and the way I am taking it and correct me if I am wrong Mr. Attorney this can be renewed at 5 year increments." Mr. Ferrell responded "They are renewal options and that is the sole option of the tenant. There is a price escalator built in such that for every renewal term the lease rate increases 15% over the last prior term so that is the only increase, is this automatic escalator."

Commissioner Lucas asked "That is a flat 15% increase and not tied to anything." Mr. Ferrell responded "It is a flat 15%."

Commissioner Carter asked "Is that every 5 years?" Mr. Ferrell responded "Every 5 years, that is correct. It will escalate 15% every 5 years." Mr. Deputy added "I think that is the reason for the terms. There is no intent at all to ever leave the facility. AT&T should be there for years to come until it is obsolete and at that time it is our responsibility to take it down and to leave it the way we found it, which is important. If there is no need for it, at a considerable expense we will take that structure down and we will put it back the way it was. Again, I don't make the rules but this is the way that the carriers line up in doing it. The good thing about the lease in the way it is set up is that any carrier whether AT&T or Verizon will fall into this understanding and feels comfortable with this and moves forward with it. If you run into too many things you run the possibility of someone saying this is just too weird. These different provisions are our standard and they work for these different carriers and they are comfortable with it. If they want their service here they can come to this community when they so choose."

Commissioner Lucas asked "Is it feasible to meet with AT&T to discuss the terms of the lease?" Chairman Hall responded "We can probably request that but we need to dispose of this motion one way or the other and then move forward."

Commissioner Carter stated "I just wanted to point out and correct me if I am wrong, this may be an upset bid where you may be out of the picture and someone else is in the picture at a higher rate." Mr. Deputy responded "That is correct. It is strictly laid out in the state rules. If someone comes in and in ten days they can do that. There is a mechanism in place that the state has whether you sell this land or lease it to make sure you get a good price."

Commissioner Jefferies stated "Mr. Chairman I would like to amend that motion to have a representative from AT&T to come here and talk to us about the contract, if I can get a second. I am not happy with what I have heard." Chairman Hall responded "Before we go there, I think that from what I understood Mr. Deputy to say is the contract is with his company, Beacon Towers and not with AT&T. We can request a sit down for discussion with AT&T but as far as the contract is concerned it would be a Beacon Towers' contract." Commissioner Jefferies stated "Then Beacon Towers will need to come back because I am not satisfied with the contract the way it is. We should have something in the contract where in 5 years we can come back to the table."

Upon a vote of the motion, the motion failed by a vote of two to four with Commissioners Battle, Hall, Jefferies, and Travis voting no.

NCACC 2ND ANNUAL YOUTH SUMMIT

Miss Keadija Wiley came before the Board and made the following statement:

“Good evening, my name is Keadija Wiley and I am a senior at Bartlett Yancey High School. This year in August I attended the 104th North Carolina Association of County Commissioners Annual Conference. I also attended the conference last year so this was my second year. Last year the goal of the conference was to come up with the top ten issues that faced teens across North Carolina. On the first day of the conference we got there and checked into our hotel and we did a get acquainted activity. We got to know everybody. After that we boarded a bus and went to the Horn of Plenty which is an annual event. There we got to interact with the county commissioners and they had food there for us, a lot of food. After the Horn of Plenty we came back to the hotel and we were split up into groups. Each group got a topic from last year. Last year we came up with the ten issues. They were: teen pregnancy, substance abuse, dropout rates, violence, recreation, socioeconomics, education issues and school funding, the youth and voice in the community, health issues and a lack of positive things to do in the community. So as I said our goal this year was to come up with solutions to these issues. We were split up into groups and each group got a different issue. Last year it was kind of hectic because it varied in counties. One county might have an issue that teens face that the other counties’ teens may not face that issue. This year they split us into groups and like I said we were all given an issue and we had to come up with what we thought would be a solution to that issue. After that was done we just hung around. The next morning we had breakfast and the issues were posted on the wall. We were all given red dots. Each of us had to go around and put what we thought the three solutions were for each issue. Some of the solutions that we came up with were for teen pregnancy we thought to maybe require a teen pregnancy or child development class for graduation as a graduation requirement. For dropouts rates we thought of raising the age of dropping out to the age of 18 instead of 16. For health issues, I know at Bartlett Yancey but I am not sure of other schools across North Carolina, PE is only required in the 9th grade. So we thought that it should be a required for 9th through 12th grade instead of just 9th grade. We had thought there should be classes to teach kids about healthy eating and we had thought it would be good to have healthier school lunches. For the lack of positive things to do in the community we thought of building a community center. That also ties into the youth voice in the community we thought that maybe having the youth to work with say for instance the county commissioners on getting that done. Recreation, that was an issue also. The Caswell County Recreation Center has a cut off age for playing sports. We thought to maybe raise that age for sports. Those were some of the solutions we came up with. Also at the conference we had the chance to go to workshops. I went to the workshop called Going Local: Building a Deep Economy in Cabarrus County. In this workshop we had presenters and they presented to us going local as far as food in their grocery stores versus having foreign foods such as fish and stuff. They grow all of their vegetables and also I know at the Horn of Plenty event that we attended the food there, 70% of it was locally grown. They basically talked to us about what they were doing as a county to bring in local foods instead of going outside the county. I also know that they are building a Florida house in their county so that farmers for meats and stuff so they will not have to go outside the

county for things like that. Overall, I enjoyed the conference. I know I, myself, before last year before I went to the conference I did not think deeply about issues that face teens and this really opened my eyes to what really goes on in teen's lives. I thank you as county commissioners for making this available."

TENNIS COURT REPAIR CHANGE ORDER REQUEST

Mr. Gerald Wright with Court One came before the Board and made the following statement:

"Good evening, my name is Gerry Wright with Court One and you folks had hired us to rebuild your tennis courts here in town. The process or scope of work was to grind up the old asphalt and recycle it in place. This is a cost effective way of addressing these old courts. That process was performed last week. We ran into some issues once the old courts were uncovered. There was a lot of wetness and soft soils underneath. I was asked to come tonight to propose some various remedies to address that. I was also asked to come tonight to kind of walk through those and to answer any questions that you may have. So without further ado what you see here is before anything was done to the courts. The big pulverizing machine was driving across the courts and it shank through which is not a good sign. The whole surface was not in the same condition. The courts actually drain from the parking lot down towards the back. The further we got to the lower side the worse it continued to get."

Mr. Wright showed the Board a slide presentation on the soil below the tennis courts.

Mr. Wright continued "That is where we are at. The concern with the condition is from a practical standpoint there is no way to smooth that out. We need to get the equipment on there because there is an unstable base. What we are proposing is typically we can dig down and get rid of the soft soil and then build it back up but that can get expensive. What we are proposing is what we call cement stabilization. The idea is to blend in dry cement into the base to stabilize it. Then we wet it to harden the base. This is a very dusty process. It comes in a big tanker and it dumps it into a dump truck. The yellow attachment is the spreader. The truck drives back and forth across the courts in a systematic pattern. We will add dry concrete to the whole surface but more at the far end. Once it is spread, a bobcat will spread it more uniformly. Once it is spread we will bring back the same pulverizing machine back through to blend it down to 6 to 8 inches. Once it is all blended, we will laser grade it to smooth it out. We will then wet it down. The wetting action activates the dry cement to harden up. This process will be repeated until we can make sure that it hardens like we want it to. This will work. We have done this on several jobs and have been successful with it. That is kind of an overview of what we are proposing to do. Does everybody have a copy of the proposal in your packets? The first option is basically to redo the entire surface. The second option would be to treat the lower three courts where the initial evidence of rutting is really the worst. We will be treating the top portion with a lesser amount. The biggest portion of the cost is the cost of the equipment that is required to do all of this. The cost of the Portland cement is not inexpensive but most of the cost is getting the equipment on site. Option 3 was to treat only the lower 1/3 of the courts. I don't feel that this is comprehensive enough and I don't know if anybody has had a chance to walk out there and see the red mud coming up through. This was just to give you some different scenarios to what you might consider. That is what we are proposing and I would be happy to answer any questions

you might have. I understand it is a significant expense. I am just trying to make sure that everybody is comfortable with what you have and what we are proposing to do to remediate that.”

Commissioner Carter asked “That picture where the red mud was coming up was there water seeping up.” Mr. Wright responded “It was quite wet under there. It was not standing water but it was very wet. You raise a good point. It has not rained in the last two weeks. When we initially ground up the asphalt it was a nice gray color but later in the afternoon you could see where it was starting to absorb the moisture from underneath. You could make clay pots out of what was there. It was not standing water but it was very soft.” Commissioner Carter stated “I asked the question because I remember in the late 70s and early 80s there was a water line going through there from Barco Street. When I saw the water standing there and you mentioned the red mud it kind of threw up a red flag that we may have a line leaking going across there.” Mr. Wright asked “Do you think it was possible that they ran them under the courts then?” Commissioner Carter responded “I don’t know where it runs but I know the meter box runs from Barco Street to the concession stand but I don’t know if it runs all the way across the park.” Mr. Wright stated “It was my thought that water kind of seeps at its own level and it seems to be collected down at the lower end of the court. It has been running with the lay of the land so the lower half is much worse than the upper half.” Commissioner Carter stated “This needs to be checked.” Ms. Ashley Williams added “I think the pipe runs under the walking trail. I don’t think it is under the courts.”

Chairman Hall asked “Mr. Manager, do you have a recommendation for this Board?” Mr. Howard responded “My recommendation would be to do option #1 since we are spending so much money on the asphalt.”

Commissioner Lucas asked “So that will put the total cost of the tennis courts at what price?” Mr. Howard responded “It was originally one sixteen because the asphalt went up.” Commissioner Lucas asked “So the original bid...” Mr. Howard responded “We are still extremely lower than the other bids that came in for the project. It will be around \$140,000. It was one eleven plus twenty-seven which is \$137,000. It is still about \$30,000 less than the next lowest bid.” Commissioner Lucas asked “The next lowest bid was \$182,500? My question is and no disrespect to you is in your original bid did you not see the need for this.” Mr. Wright responded “It is very difficult to tell what you may run into. We have seen this before but certainly not in every case.” Commissioner Lucas continued “The other bids included the cement in their bids even though it is less they still included it in the bids that they gave us. So they recognized that there was some kind of a problem.” Mr. Wright responded “I am not sure how they made that assessment from the top of the asphalt. It is a nice high location. There was nothing that was obvious to let us know this. I don’t like to incorporate cost that we may not run into.” Commissioner Lucas asked “Did I understand you to say that there was unsuitable soil there? Is that what part of the problem was?” Mr. Wright responded “It has become unsuitable because it has become wet.” Commissioner Lucas asked “Are you going to remove that dirt?” Mr. Wright responded “No that is why we are suggesting going this route to bridge over because this is a less expensive method of remediating that.” Commissioner Lucas continued “According to the pictures you have already started the process.” Mr. Wright responded “That was another job. I was just showing you how the process would work. We are kind of on hold right now

waiting for your input. I just wanted to show what the process would do if we moved ahead with that. They were pictures from another job.”

Commissioner Lucas asked “This may not be really feasible to do but don’t we have some excess concrete somewhere that was just dug up at the detention center. You said it was eight to ten inches over there. It is just ironic that we are tearing up eight to ten inches on one location and we need to spend about thirty thousand to put cement down at another location. I was just curious if that could be repurposed or reused or recycled?” Mr. Howard responded “It was in chunks of four, five or six feet in size. I don’t think we can use them.” Commissioner Lucas stated “I was just looking for some alternative need for it.” Mr. Wright added “It is kind of like apples and oranges. The concrete you are talking about has rock in it so if you were to grind it up it would not be any different from grinding up asphalt. The Portland cement is actually the binder, like powdered sugar. It is just one component of the concrete. We are basically adding the glue to this mixture. Grinding up old concrete would be like adding more aggregate like grinding up the asphalt. That is why we are grinding up the asphalt to get more base material in there.”

Commissioner Battle stated “Since Commissioner Carter brought it up shouldn’t we look at the drawings to see where the pipes are before we do this and then had to do something else to that end of the court again so we will all have a warm and fuzzy feeling about it?” Mr. Howard responded “I can check into that before we do this. I don’t think the line runs that way but that does not mean that it did not happen.” Commissioner Battle continued “Since he brought it up I would hate to spend the money and then say oh someone was stupid several years ago and actually put it there. So before we spend the money let’s verify that the pipe is not there and not have any more drainage problems.” Mr. Howard responded “We will do that.”

Commissioner Lucas asked “How long has the present tennis courts been in place?” Ms. Williams responded “I think we finally figured out they are at least 40 or more years old.” Commissioner Lucas continued “I know it really has started to deteriorate. I know the Board has patched it over in the past.” Ms. Williams responded “I know when I was in high school it was asphalted over.”

Chairman Hall stated “Let’s stay on point. I think it was a valid point that Mr. Battle raised to make sure that there are no water lines under there. Otherwise what we have to do now is to approve or disapprove this change order.”

Commissioner Lucas stated “Chairman Hall my point is we were told by the way the tennis courts had deteriorated so quickly and this is the reason why but I think 40 years is a long time to have tennis courts in place. They did not deteriorate quickly.” Mr. Howard responded “That was referring to the last time it was paved and I would say that is pretty quick.” Chairman Hall stated “Anyway we made a decision so let’s deal with the change order.”

Commissioner Carter moved, seconded by Commissioner Jefferies to approve Option 1.

Commissioner Lucas asked “I will pick up where Mr. Battle was, if there is a problem and we continue to build it at that location and there is a problem what then? Secondly, if the Board

approves this can we check with the school system to see if they are willing to pay half since they are basically the ones who use the tennis courts? Have we done that?" Chairman Hall responded "The original discussion we had was they would pay 50% of whatever the price was." Mr. Howard added "We have not had time to talk to them. We just found out about this last week and that was when we made the decision to do this. They had not even had a chance to meet to even consider this." Ms. Williams added "I have talked with Dr. Barker about this but the School Board will not meet until next month."

Commissioner Battle asked "I hate to ask this question but in your opinion is 40 lbs enough, a substantial enough, to do this job." Mr. Wright responded "I feel very comfortable with that. Normally I would use 30. The idea here was to take a little bit less in the areas that were a little bit more stable and to put in more in the problem areas. You don't want to go much higher because then you could run into it getting too hard and then actually getting cracks in the foundation so to speak. We don't want it to set up too hard where you will get cracks underneath. That is where the thinking comes there. That is the high end range for this kind of process without it getting brittle." Commissioner Battle asked "Is this goes through does this throw any of the timing off for the completion of this project? Obviously I would not expect you to do this if it is going to rain." Mr. Wright responded "The guys are ready to do it. We are looking at getting more weather on Wednesday. We would want to let it to dry out reasonably well and we are getting to that time of the year where it is starting to get a little crazy with the weather. We have been getting a lot of shade down on that far end, I noticed that. I stopped by before the meeting, the upper half has starting to dry out some from the rain from last week but that lower half the sun is getting lower in the sky and it is still a little wet. To answer your question we would hope to get the pulverizing machine back in. That is the hard part. These guys travel all over the area. Yes we would like to get that performed as quickly as possible and get it paved as quickly as possible so we can move on with the project." Commissioner Battle continued "So with this being the time of the year that it is does it challenge the integrity of the project with the weather we are going to be having with what we are getting ready to do?" Mr. Wright responded "It could if you weren't careful. If it was too soft and we got that equipment back up on there it would just make more of a mess. We would do a proof roll and have a truck drive over it to make sure that it is solidifying so that we could get that equipment up on there. Like I said we don't want to rush it where it is counterproductive to solving the problem. We are as anxious as you are to moving along because the weather is not getting any nicer. If we did not do this the other option would be to let it sit to see if Mother Nature would dry it out on its own but it has not been my experience that once clay gets wet like that it does not tend to dry out that quickly unless you get into a severe drought and you can't count on that. Once it gets wet it kind of holds that moisture."

Upon a vote of the motion, the motion carried by a vote of four to two with Commissioners Lucas and Travis voting no.

RECESS

The Board held a brief recess.

VETERANS EXEMPTION STATUS WITH TAX OFFICE

Mr. Dallas Corbett came before the Board and made the following statement:

“Good evening council members. I tried to get a property tax exemption because I am a 100% disabled veteran. I filled out my paperwork and I faxed my paperwork to the tax office at the first of the year. I filled out all the paperwork that they gave me. I was told that someone would get back to me. I kept calling and kept calling but nobody got back to me. So when the property tax bill came out in August I was not exempt. I called the office and asked them what I needed to get and they said I needed to get an I-9 form which explains my disability. I had given that paperwork and I have copies here, not the new I-9 form. So I went to Winston, got the form, filled it out and talked with them. I told them that I was having problems getting my tax exemption and I needed to go to Governor Perdue’s office. They said to call and talk to you council members. So I am here to plead my case with you. I gave them the paperwork the second time and nobody has called me back. I talked with some gentleman at the tax office briefly but I could not understand too much of what he was saying. He said I would have to file for 2012. According to the VA and according to my sister it is still 2011 so I am pleading my case here.”

Chairman Hall asked “You said you faxed in your paperwork at the first of the year and that was at the end of January?” Mr. Corbett responded “Yes I did. It was either January or February because I did my car around the same time. My car was approved.” Chairman Hall asked “Your car was approved?” Mr. Corbett responded “Not here. I did that in another city.” Chairman Hall continued “At what point did they tell you that you needed an I-9?” Mr. Corbett responded “They told me I needed the I-9 form after the tax statement came out in August. I thought I had all the proper paperwork and according to them everything was in order. I called three or four times and I thought I had all the proper paperwork but according to a lady there I needed an I-9 form. All that form is proof of military service. I had forms proving military service including IDs.” Chairman Hall asked “Is Dallas Corbett your full name?” Mr. Corbett responded “Yes, Dallas Corbett is my full time, no middle name. I am from the Stoney Creek School Road neighborhood.”

Commissioner Carter asked “Mr. Corbett do you live on 1017392 TM41 Parcel 24?” Mr. Corbett asked “That is 3318 right?” Commissioner Carter responded “It shows 3328.” Mr. Corbett stated “3318 is my sister’s house. I do stay there, not all the time, but I do stay there. My car is registered there. That is my legal address. The property is right next door. We are going to renovate the house.” Commissioner Carter asked “I think the question would be, do you live on the parcel?” Mr. Corbett responded “Truthfully the parcel is next door.” Commissioner Carter continued “So you don’t live on the property?” Mr. Corbett responded “No, I don’t live on the parcel. We are so used to it being one big area. My sister built a house there. I used to live in Burlington. I have been back here for two years now.”

Commissioner Lucas asked “Maybe the attorney can clarify this on the statute that allows for the exemption for disabled veterans. I also understood you to say that you do not live on this particular property.” Mr. Corbett responded “My understanding is you do not have to live it.” Commissioner Lucas continued “The classification states ‘a permanent residence owned and

occupied by a qualifying owner is designated a special class of property' under this section. So I guess that means that you actually have to live on the property, is that correct?" Mr. Ferrell responded "What it requires is that it be your permanent residence. The definition of a permanent residence from the relevant North Carolina general statute is that a person's legal residence includes the dwelling, the dwelling site not to exceed one acre and related improvements. The dwelling can be a single family residence, a unit in a multi-family complex or a manufactured home. So it is the legal residence of the person more or less is how they are defining permanent residence for the purposes of this statute." Commissioner Lucas asked "So the property he is referencing would not be eligible for the exemption, is that correct?" Mr. Ferrell asked "Are you saying that you don't live there?" Mr. Corbett responded "I live in my sister's house." Commissioner Lucas stated "It is my understanding that it adjoins it." Mr. Ferrell stated "Your primary residence is where you live. But again the relevant statute also has procedures for accepting applications for the exemption of this type. Let me just call your attention to subsection F of the North Carolina general statute 105-277.1C. It says 'An application for the exclusion allowed under this section should be filed during the regular listing period, but may be filed and must be accepted at any time up to and through June 1 preceding the tax year for which the exclusion is claimed. An applicant for an exclusion under this section must establish eligibility for the exclusion by providing a copy of the veteran's disability certifications or evidence of benefits received under 38 U.S.C. 2101.' So I don't know what the issue was with the application that was apparently submitted. That is the frame work of the application of this type or this exemption comes to the tax office. What Mr. Corbett just handed me was a letter from the Department of Veterans Affairs which is a summary of his benefits. That is provided in some of my materials that I saw at my space tonight so I think everybody has a copy of that same form."

Chairman Hall stated "So go back and address the issue of when this was filed." Mr. Ferrell responded "It may be a timing question. Perhaps the tax office can help understand what the situation is with this application. There are timing requirements that apply. Yes there are deadlines that apply. There are different factors in play."

Commissioner Battle asked "Mr. Attorney do you have the definition of occupancy?" Mr. Ferrell responded "I believe that is in here. I am looking at the definition section of 105-277.1C and I am not seeing occupancy listed. Is that defined term in the statute?" Commissioner Battle responded "Yes. The first sentence says 'A permanent residence owned and occupied by a qualifying owner is designated a special class of property under Article V...' and I would like to know what the definition of occupancy is." Mr. Ferrell responded "I don't know that it is defined in the statute. Subsection B contains the particular definitions that are defined in the statute. I am looking through it and we go from the code, which is the Internal Revenues Code, to owner, to permanent residence, to property tax relief, totally and permanently disabled, and application. Then we go on to section C. So occupancy is not a defined term in this particular subsection." Commissioner Battle responded "Thank you sir."

Chairman Hall stated "I think the appropriate thing to do is to take this information and investigate all of the questions and to ask our attorney to follow up and to talk with the tax office to see when the tax office indicates when this was filed. Find out the tax office's reason for not responding or why you did not receive a response. We will follow up on it."

CROSSROADS SEXUAL ASSAULT RESPONSE & RESOURCE CENTER

Ms. Pamela Thompson stated “I am going to be short and cheap. Thank you for having me. I am from Alamance County and I have been working in Alamance County forever and I just recently started working here in your county. I have been so impressed just because you are so generous and so nice and I really appreciate how you have made me feel so welcomed. My name is Pamela Thompson and I am the brand new Caswell County Sexual Assault Response Coordinator. My agency which is CrossRoads Sexual Assault Response & Resource Center has been in Alamance County for 30 years and since May 1, 2011 we now have on-site services for sexual assault victims in your county. My office is located in the Yanceyville Municipalities Building. One of my job responsibilities to come here was to form what is called a multi-disciplinary team. That team is composed of your Sheriff’s Department, the Department of Social Services, Caswell County School System, Juvenile Justice, Family Services of Caswell which is Domestic Violence, Annie Penn Hospital and Danville Memorial Hospital. All of these professionals involved are going to provide crisis intervention, support, education, court preparation and advocacy to the clients and their non-offending family members. We serve victims and their families in the healing process. We are building lasting relationships between all Caswell County partners and CrossRoads which is in Alamance County. I was interviewed by the Burlington Times News Friday about starting a volunteer program in Caswell in order to build support and to get this community involved. I am very fortunate to lead this effort to provide any necessary referrals for client services. I am also going to be facilitating community educational meetings and providing crisis line coverage for this county. I will be conducting prevention programs in the Caswell County school system starting this coming Monday, October 24th at North Elementary and Stoney Creek Elementary and hopefully soon Oakwood and South. This entire community and its leaders have been absolutely amazing to work with. You have a very strong leadership in your community departments and that is something that you should be very proud of. Every county cannot say they have that and you really know what teamwork means. I am here tonight concerning a program that you have information on. I had given Mr. Howard some information about myself, brochures and information mainly about a program called “Talk About It” that is designed for 3rd graders. It is 3rd grade level specifically. There are eleven puppets in this program and I have invited some of them with me tonight and they are the best behaved children you will ever meet. There are eleven puppets in this program and the main characters are: Kenny, Pete, Abby, Tommy and Sarah. They all represent different situations of child abuse. You can read their stories in the information I provided for you. This puppet program has been conducted in the Alamance County school system for over 25 years and we have had a lot of success with it in making the community safer. I mean the children are safer and their homes are safer and everything about them is safe. Prevention is the key to keeping your children safe. I am asking you tonight to consider possibly funding these puppets as a community investment at large. You, yourself, know as leaders that once you support something your community will too. Your children are your future. We had a particular situation in 2007 at an elementary school in Haw River while we were doing a puppet show and each skit represents something. I brought each of these puppets and we will clarify what each of their situations was. For example Tommy. Children need to know the difference between discipline and abuse. Discipline does not leave marks and bruises and hurts your little body. Discipline is safe and abuse is not. We were at a Haw River elementary school and after the

puppet show was over I asked each of the students to go back to their classrooms and write a letter. They were to write a letter to their guidance counselor and talk about the show. Who their favorite puppet was. If they laughed about a certain puppet, maybe her hair was funny or if they thought Abby did the right thing or anything like that depending on what they wanted to write. I also encouraged these children if they saw anything that directly was in their life that they saw in the puppet show to write about it because if you do not talk about something that is hurting you or threatening you or keeping you in danger it will continue to hurt you and threaten you and endanger you. In my office I personally see, I have already gotten clients in this county. I have been to court in this county and some of your children have been hurt and abused in violent ways. Once these students wrote these letters in Haw River come to find out there was a 3rd grade teacher's assistant, a white 55 year old male and whenever he would take the children out on a one-on-one tutoring or for extra reading resources he was inappropriately touching these children. We had ten little girls who came forward after the show and once it was investigated by the counselors, DSS investigated it, law enforcement got involved, he was prosecuted and received seven years in prison. Nobody is removed from abuse. It does not come in a color. It does not come in a size. It does not come in a shape. It can get up on top of you before you know it. It is so important that children know the flags to look for abuse. When I met with Dr. Barker this summer and you have some of the most awesome elementary school principals and I met with them. The gentleman at South Elementary said some of the kids think this is normal. When you are raised and this is all you know you think this is all there is for you and that is so wrong. I have adult men and women that come to me for services that were child victims that never had the courage because of fear impressed upon them all the time to ever come forward. You don't shake that. That stays with you from that day on unless you get help and we see that in their lifestyles. As adults they make horrendous decisions. They act out in inappropriate ways. They become promiscuous. Everything you could imagine and it is because they have never dealt with that abuse in their life. Bad circumstances cause bad choices that cause bad decisions. I encourage you to consider this. Please consider investing in this program as part of ownership in your community to make sure that your kids are safe. No matter how big your county is or how small your county is you have people that prey on children and we try to make sure that they don't because that can change their future. It could take their very life sometimes. You see bullying and you see everything. If you take a look at the media our youth are being taken out. Our youth is who is going to take care of us and we need to make sure that they are prepared for that. Do you have any questions?"

Commissioner Battle asked "Just the particulars. I assume if we purchase these, this county owns the puppets and the stage or how does that work?" Ms. Thompson responded "Well we are a non-profit so you know we are broke." Commissioner Battle continued "Well just tell me the particulars of it because I did not see it. Just tell me that." Ms. Thompson responded "I would like for them to be purchased for my agency for my ownership to take care of in my office. I don't want them to be limited to schools. I have really been working hard to get into the faith community because there is no better place to heal a family and to open up communication than on a pew. I have several different programs, not just this 3rd grade program. That is crucial because not every kid waits until the 3rd grade to be abused. It is all over the map. You can come over and hold them and sit with them if you want to." Commissioner Battle continued "One more question and you answered part of it. You said that you would do other programs. Does it have to be limited to as far as the school goes to just 3rd grade?" Ms. Thompson

responded “No, but the puppet program is on a 3rd grade level. I encourage you to understand something, when we give this puppet show if you are a kid that has been so blessed to have whatever a normal mom and dad is, that really knows how to raise you and to take care of you and keep you safe you are going to think they are so funny and so cute you are going to enjoy it. If you are a child however that someone has violated you are going to get it because you are going to understand well what happened to Abby and Abby told her teacher because she knew she could trust her teacher and Ms. Foster got her some help. That is the way it is. This puppet show not only does prevention but it really puts law enforcement in a good source of light. You have so many parents now-a-days, and Detective Wilson can back me up on this, he is on my multi-disciplinary team, that really feed their kids with lies about what law enforcement is going to do to them. It is the same thing with what DSS is going to do to them. DSS is not a SWAT team that is going to take your family away. They want to do everything they can to help you and to help you heal to be what you are supposed to be, a solid family. But most important you have to be safe at the most important place which is your home. But sadly in the business I am in, sexual assault, it is the one place that you are not sometimes. We just cannot allow this to happen to our children or anybody for that matter. You can come by and see them. Do you want to hold one?” Commissioner Battle responded “No.” Ms. Thompson stated “I have one that looks a lot like you but I did not bring him.” Commissioner Battle responded “That is pretty bad. That is fine. I appreciate the passion, I really do. But the question still is, is it just for 3rd graders in the school system?” Ms. Thompson responded “Stoney Creek would like for me to present it to their 3rd and 4th grade classes just because they may have missed a kid. I also have a program called “Don’t Laugh At Me”. It is a bully program where the Sheriff’s Department is going to be the presenters. My whole purpose and my whole job other than to save the world and to keep it safe is to incorporate your representatives of your agencies so your community can realize they are really safe and also at the same time hold them accountable for keeping them safe. That is what a multi-disciplinary team does. I am really into ethics. There is either yes or no. There is no in between. When we are at a round table nobody is going to be able to say no I have not had a chance to do that. You have had a chance to do that or why haven’t you done that. We are not talking about my puppets we are talking about this child or this adult who should be able to get everything you have available to keep them away from what they are exposed to whether it is from someone putting their hands on them in a domestic violence way, a sexing way, a dating violence way or a sexual assault way. The world we live in now we need to take the ownership of that back to keep people safe.”

Commissioner Lucas asked “Who funds the program now in Alamance County?” Ms. Thompson responded “We have about a \$500,000 budget and we spend about \$500,001.” Commissioner Lucas continued “The puppet program, you said it had been in the schools for 30 years, is that correct?” Ms. Thompson responded “This program originally is from Family Services which is the Domestic Violence Agency that I work for. When I moved to Caswell County I so wanted this program in this county because it is an excellent program, it is nothing to be afraid of. It is a strength building program because kids have a chance to let somebody know...” Commissioner Lucas stated “I am not questioning the program. I am just curious about who funds the program in Alamance County.” Ms. Thompson responded “Family Services which is the Governors Prime Commission, the Women’s Council, United Way, there all kinds of different agencies that fund this organization in Alamance County.” Commissioner Lucas asked “Did you say your office is in the Town Hall?” Ms. Thompson responded “Yes, I

have a brand new office. They remodeled that end of the building.” Commissioner Lucas continued “Did you ask the Town about possible funding for the puppets?” Ms. Thompson responded “No, I did not.” Commissioner Lucas continued “Or the United Way or any of the other non-profits?” Ms. Thompson responded “No, you are my first stop. Being brand new here I kind of called the gentleman to my right wearing the peach colored shirt and he just suggested that I start with you guys.” Commissioner Lucas stated “Oh.” Ms. Thompson responded “No, I am kidding. I really did not know the route to take. I just thought I should start with you first.” Commissioner Lucas continued “You said you talked to Dr. Barker. Did you check with the school system to see if they were interested in funding this program?” Ms. Thompson responded “No, because I had to get permission from him to even go into the schools because this is not a part of the state. It is an outside agency which is non-profit. He has been extremely gracious to work with me. He also approved it but then he gave his principals the opportunity since it is their school, say to speak, to see if it would fit with their school.”

Commissioner Battle asked “How many times will you do these presentations to the students?” Ms. Thompson responded “When I go to North Elementary on Monday I will do two shows back to back. It is about a 35 minute show. It is about an hour and a half or two hour show. Stoney Creek when I went over there she told me she had 131 students. I thought she had 131 3rd graders but she told me it was the whole school. They only have one small 3rd grade class so they are considering also doing the 4th grade class as well. South has agreed to do it but they have not given me their date and Oakwood I am still waiting to hear from their principal.” Commissioner Battle stated “So one school per calendar year?” Ms. Thompson responded “You get one show per school year. Back in Alamance County I had 30 schools that I did. The school system set the schedule. That included the charter, private and public schools. With you only having four elementary schools the key is to broaden this program to multi grades instead of just having it for 3rd grade. This program is a 3rd grade level, it is a kid level.”

Commissioner Lucas asked “I was just wondering where the funding would come from since it is not in our budget?” Mr. Howard responded “We would have to find somewhere to get the funds.”

Chairman Hall stated “Ms. Thompson we thank you for the presentation. What we will do is, we normally do our budgeting starting July 1 and we have a budget process that ends around June 30th and that is the way we try to budget our programs. We will ask or I will ask staff to take a look to see if there is any assistance we can give and if they think so they will bring it back before this board.” Ms. Thompson responded “Family Services has allowed me to borrow their puppets for the programs that are already scheduled. They save lives. If you get the chance please attend a puppet program.” Chairman Hall stated “Can you provide our Clerk with your schedule on the schools you will be going to?” Ms. Thompson responded “Yes.”

DETENTION CENTER UPDATE

Mr. Justin Doyne with Brennan and Associates came before the board and made the following statement:

“Good evening Commissioners. I appreciate the opportunity to give you an update on the new detention facility. Construction on the new Caswell County Law Enforcement Center is moving ahead as planned. Currently we are preparing to build a pad for the footing for slab on grade. Once we get the slab on grade we will start coming out of the ground with the block and everything else. The underground sewer system is being installed. The potable water is being installed. The fire system is being installed underground. These items are scheduled for completion on November 10, 2011. So we are still on schedule with those items. Site contractors are beginning to install the segmental block retaining wall that will border the north end of the facility so we will have a large retaining wall on the north end of the facility. It will bring that site up to grade. This will allow for some parking in this area as well. I know that parking is an issue over there. We have run into some unforeseen conditions. About 2200 cubic yards of unsuitable materials, anything from trees that were abandoned to tires, bared wired fence and then we actually ran into an old septic system and some other items that were down there buried. Actually I think most of them were buried under the asphalt parking lot so there was no way to tell they were there. I have collected the information and S&ME, who works for the county, did a takeoff on everything that was removed. That is an independent third party that has documented all of this so it is all accounted for. I am still waiting on the final pricing for that. The site contractor is concerned about one tree down there that is going to be pretty close to the retaining wall and they are worried about damaging the root structure. They are also concerned about the amount of money it will cost to take down that tree after the fact once the wall goes up. It is much cheaper to take it down now rather than later. You have a power line on one side of the tree, a retaining wall on the other so if that tree did sustain some damage or die after the fact when that wall went up it would be quite expensive to take it down. I just wanted to bring it to your attention. Two concrete vaults have been discovered. I went over one. One was the actual existing vault for the fountain over there. It was buried underneath the crept myrtles. We had to remove that one as well. We currently have three change orders on the books. One was a zero dollar change order for acceptance of the new schedule and for an addendum that was issued. The second change order was for a \$98,000 credit back to you. That was for accepting a segmental retaining wall versus a poured in place retaining wall. Then the third change order was for \$8,517 and that was for additional erosion control and the removal of the septic tank and some other unforeseen conditions. We have two pay applications. I have reviewed them. Kevin and I have yet to sit down and review them. We plan on doing that at the end of the month but we only have two pay applications this month. Are there any questions?”

Chairman Hall stated “On the tree, probably sooner than later, the county manager needs to get a recommendation to us. This is not something that we need to dwell on but if there is going to be a problem we need to go ahead and handle it.” Mr. Howard responded “We have discussed as far as coming in and planting some additional trees further away if those trees need to come down. The contractor is probably going to request a waiver to work with that tree because he feels like it probably is not going to survive due to the root damage. This is a tree that we had not planned to take down when the plans were approved. That is why he brought it to the attention of the Board. It was not designated on the site plan to be taken down.” Chairman Hall stated “If it looks like it is going to be a problem then we need to deal with it.”

Commissioner Battle asked “Can we get something tangible or visual for these updates? He read or spouted out a lot of stuff and ya’ll were taking notes. It sounds like a lot that we would need

to see that happened.” Mr. Doyne responded “Yes sir. We take pictures every day. Yes I can put a slide show together for you.” Commissioner Battle stated “That would be good along with whatever the report is. Like I said it sounds like you found some important stuff.” Mr. Doyne responded “Definitely. I can bring the actual S&ME reports, photos and everything to the meeting next time.” Commissioner Battle stated “I think that will help us as we get these updates.”

Commissioner Lucas asked “Kevin did you say tree or trees?” Mr. Howard responded “Tree.” Commissioner Lucas continued “I noticed you said you would go back and plant trees.” Mr. Howard responded “We will go back and plant trees along the front because we have had to take down several that we knew had to be taken down. This is one that we were not planning on.” Commissioner Lucas asked “I know there is a row of trees in the back. How many are back there, four or five?” Mr. Doyne asked “Are you talking about the ones on 86? We are leaving up 4.” Commissioner Lucas continued “The one in question is there, right?” Mr. Howard responded “Yes ma’am.” Commissioner Lucas asked “So we are only talking about one tree?” Mr. Doyne responded “Yes ma’am. I am just speaking off my head. I think the price they charged the last time was about \$800 to take the whole tree down and to remove it off site.” Commissioner Lucas continued “Now is it in the way of the parking area if you need to expand the parking, is that what you are saying?” Mr. Doyne responded “No ma’am. It is below the retaining wall that is going on the north end of the facility that is on 86. The tree is actually away from the wall but the root ball is in the proximity of the wall and they are really starting to worry about damaging that root ball.”

Chairman Hall asked “On tonight’s report can you still provide Ms. Seamster with something in writing?” Mr. Doyne responded “Yes I can and I can actually get you pictures as well.” Chairman Hall continued “Especially on the items you dug up.”

Commissioner Lucas asked “Did you say something about a vault?” Mr. Doyne responded “There was a large vault. I guess it was for the fountain that used to be there. It had several controllers and a stainless steel tank in it and some other items and it was not shown on any of the drawings and it was directly in the way of the storm water line.” Commissioner Lucas continued “And we are not in any kind of trouble with the EPA on any of this?” Mr. Doyne responded “No ma’am. S&ME has it all documented.”

LIBRARY AUTOMATION BIDS

Ms. Rhonda Griffin stated “As part of the dissolution of the library system we currently share an automated system with Orange County and Person County. As far as the dissolution we have to have our own automated system by, the agreement we signed with Orange County and Person County was until June 30, 2013, a year after we dissolve. It will take some time to move our information off of the current server onto a new server. It is part of the state aide requirement that each library has their own library automated system. The library staff and I have reviewed three of the top library systems including the one we currently have and one that is being presented by the state library. There are currently three library systems being offered. They are NC Cardinal which is being sponsored by the state. This is new to North Carolina but other states such as Georgia, all the public libraries in Georgia have been using it for some time. They

developed the software. Polaris is what we currently use. We are already paying a portion of the yearly maintenance for that in which we share with Orange and Person Counties. I have a quote for Polaris. I have a quote for TLC which was an absolutely fascinating system but also had a cost upfront of \$37,000. The system that is being developed by the state library is being funded through federal funds through the state library. They would have a grant that we could apply for that is due November 8th. If we were accepted we could move to the state library and they would host the system and they would maintain our data for us. I have enclosed the quotes, the pros and cons for each system and an application that I am requesting that I can submit to the state library to be moved to their free system.”

Commissioner Carter moved, seconded by Commissioner Jefferies to approve the Library Director to apply for the LSTA NC Cardinal Grant. The motion carried unanimously.

GOLDEN LEAF GRANT – MATKINS MEAT

Mr. Joey Knight, Cooperative Extension Director stated “Good afternoon. I wanted to give you an update on the Meat Processing Grant that we received through Golden Leaf through the Community Assistance Program. I went down and gathered some data that we had been gathering all along. I spent about a half of a day with Mr. Matkins and tried to gather as much accurate data as I could. We are sending out some surveys but to kind of give you an idea of how many pounds of meat have been processed since January 1st of this year until June 31st of this year. It has been 389,174 pounds. To kind of break that down, it gives you an increase of production that we have had to reach the goals we set in the grant we went from 53,140 pounds in August 2010 and that is for one month to 88,932 pounds in June of 2011. So you can see where more farmers are using the processing facility there because they are adding value to the products.”

Chairman Hall asked “What was our annual goal?” Mr. Knight responded “We really did not have a goal set. We did have a net revenue of \$2.1 million additional funds that the farmers would generate. We have generated around \$1.5 million of additional revenues that the farmers have generated. This does not only include Caswell County, it includes the surrounding counties because there are several counties using the facility. When the grant was written we had basically 110 livestock producers utilizing the facility. As of today we have over 350 livestock producers using the facility. One reason is because there is very few of those small facilities that have value added equipment. The fellow down in Siler City he does not have a lot of the value added equipment in his facility. When you sell to consumers, housewives or whoever they want the products to look good. They want the products to look just like they do at Food Lion and Walmart or any of the other big grocery chains. Looking at as far as employees with the increase in usage of the facility, Jerry has hired 6 new employees. He has retained 10 employees which is what we wanted to do. We wanted to retain the present employees but he has gained 6 new employees. They have received some grants through the community college in Alamance County that has helped with some of the training as well as Koch Equipment which is out of Kansas. This is specialized equipment. It took a lot of time to get bids and everything because the majority of the equipment came from Germany. It is specialized equipment, you can’t just find it. When you try to get three bids you have a process to go through that is stricter than that in the USA. They have been trained on everything. I just kind of gave you a rough synopsis.

We have had roughly since the 1997 buyout we have had 50 new livestock producers that were tobacco farmers that have gone into livestock production. They are trying to do the direct sells on the farm. I just wrote another grant for a farmer that is selling through Direct Foods Coop. It was a \$10,000 grant. They put in a walk in cooler on their farm. We also have farmers selling at the Carrboro Farmer's Market. The Danville Farmer's Market, I know that Don Levers is selling there. Mr. Baldwin is going to take some of his business from Siler City and start processing some of his meats there just because they do not have a hot dog machine maker in Siler City. He is in all the whole food stores in North Carolina and South Carolina. We look at this as a way for the farmers, let's face it folks we only have about 55 tobacco farmers left in the county. They are either going to have to grow trees, sell the land or raise livestock and most of the people want to hold on to their land. I don't blame them for that but at the same token they need to be profitable. This has helped out a whole lot. I have had meetings in several counties through the cooperative extension. We had a meeting with all the 100 counties at NC State in August and I mentioned to them about the project and asked them to promote it to all of their counties and to all of their livestock producers. They have taken that information back to their counties. I look at it as a positive thing. I also met with the President of Golden Leaf and he was wanting to know how the project was going. I gave him the advantages, the successes, the pitfalls, the barriers and all of that because in any type of project you are always going to have things that are not going to work out the way you want it to but I told him the partnership of any type of coop you need a three way partnership. Say you have checks and balances and someone who can help to monitor it. I guess you could say I am the mediator, the policeman or whatever. It has worked out real well. They have had over 125 new labels. This is part of the meat inspection requirements from the USDA. They have to get the USDA approval from the feds. That has been a process in itself. Hopefully, like I said I have a mailing list of all the folks that are utilizing the facility. I have Dr. Dana Hanson coming up with some questions that we can hopefully get more detailed survey results on how much more money has this particular farmer A made since he or she has been selling the value added products. I know that a lot of you are wondering about the penny a pound. We went back and looked at the agreement and Gary Bullen with NC State said the only thing he thought we needed to change in that agreement was that you need to charge a penny a pound for everything. The reason why is because everybody that comes down there they don't want to use the old package equipment because it does not look attractive. It is not neat. We really need to get that changed and get your approval to charge a penny a pound. We have a penny a pound that is coming back to the county finance office; roughly right now we have \$5,289.50. That is because the county owns the equipment. I have heard so much from out in the community that it is still in boxes and it has not been put up and all of this. No, everything is up and everything is running. The only thing was the smoke house with the hot dog maker that was giving us some problems with inspections through the USDA but that should be running as of this week. I have not checked with Jerry. The maintenance fee is there so if bearings go out or rollers go out, they have to be repaired. At the same token there is \$5,289.50 in our budget or in our line item. I told Jerry if you every decide to sell out then you and the county attorney or the county manager can come up and appraise the machinery and set down and settle out if he wants to come out of the grant and claim total ownership. That is one reason I told Dan from the Golden Leaf that this was a good thing to have, this partnership because a lot of people like to get grant monies to make improvements and then put a for sale sign up on the building. This way it kind of secures everything and at the

same token I have been pleased with it, with the progress that we have made so far. Are there any questions?"

Chairman Hall asked "This is a very good report. I read through this a couple of times. Is there anything that we may need to know that is not here that we should be a little concerned with?" Mr. Knight responded "I think the agreement and I will need to give the county attorney the comments that Gary Bullen made to me I think that needs to be changed so it is updated because for the last year Kevin and Ted Moore with Golden Leaf and their attorney from Golden Leaf and that was one thing that he wanted to make sure that everybody was on the same page and that everybody was satisfied. I then forwarded it on to Raleigh to see what their comments would be. That was basically it. There was one other thing too, ya'll were talking about definitions tonight 'how do you define this?' and you get in a dispute in the courtroom but that was on two or three items. I think that needs to be changed and have the county commissioners approve it and have the blessings of the county attorney as well as the Golden Leaf attorney."

Commissioner Lucas asked "I was not on the Board when the grant was obtained. What was the original amount of the grant?" Mr. Knight responded "The original amount \$435,700. Jerry has spent about roughly \$275,000 of his own in additional to the grant to get everything up. They had to put in new boiler systems and all of that. A lot of that stuff was not in there. Not only that, the bids that we took at the time we wrote the grant, the equipment was not coming down, the prices were continually going up because it is specialized equipment and it was coming from a foreign country. They don't care what the economy looks like. It continued to go up."

Commissioner Travis asked "Is Jerry looking at doing any remodeling on the outside?" Mr. Knight responded "I will mention that to him." Commissioner Travis continued "He needs to look at a different way for people to park. I came through there the other day and there were people waiting to pull in there but they were waiting for people to pull out of there. There were people parked on the side of the road." Mr. Knight responded "With the expansion and everything I told him that he needed to do that and also he would be surprised what a gallon of paint would do to make it look a lot better." Commissioner Travis continued "Any money spent on beautifying it could only help the business." Mr. Knight responded "I will give him those recommendations. I can't just go in and tell a man how to run his business but I can give him recommendations and I don't mind doing that. Presentation means a whole lot, you are exactly right. I agree with you. We are fortunate enough to have a USDA facility. Like I said there are a lot of things that he needs to do. Like I told him he needs to redo those pens. To be animal welfare approved you have certain ways that you slaughter animals and in the same token you have certain facilities on how those animals are being held before they are being processed." Commissioner Travis stated "He needs a way for the customers to come in and out of the facility better." Mr. Knight responded "It only takes about three or four to block the road up. I can recommend it when I see him next. That is a good suggestion. Any other suggestions that you have or if you want to go down and look at the facility Kevin or myself would be glad to take you down there. You can visit the facility and see what is in there. You can see how they are doing different things. I will be glad to take you down there."

DISCUSSION ON POLICIES AND PROCEDURES FOR TAX DEPARTMENT

Chairman Hall stated “We had some discussion during the budget process about this and I thought we needed to put this back on the agenda to decide what policies and procedures needed to be included. Do we want to make changes or do we want the staff to make changes? One of the things that comes to my mind and I know there has been a lot of discussions about how they apply receipts. I guess the question is do we want to look at this?”

Commissioner Battle stated “Yes. Tonight is a prime example of what happened at the tax office.”

Chairman Hall stated “I think a good way to move forward is for all of us individually to list the policy and procedural things that we have concerns about and move forward and to have staff available to discuss them. One of the things I would probably list is the public relations aspect. We get complaints from time to time. Better than 50% or more of what the tax office has done was correct but the procedures that they used sometimes upsets our citizens or the procedures that they don’t use. Let’s do that, everybody collectively get some questions, comments or procedural changes and get them to Paula so we can get them on the agenda to discuss.”

ETHICS POLICY – WASTE, FRAUD, & ABUSE POLICY

Chairman Hall stated “I thought it would be a good idea that, well there are two things. Number 1 all the commissioners have to sign off on an Ethics Policy. It is a state requirement. I think that we need to push this down to all staff. Most of the time employees will want to do what is right. I think they need to know the expectations. We need to know that we expect them to act ethically on the day to day operations. That is the first part. The Waste, Fraud and Abuse Policy is the second part. I was pleased to see that someone started putting together a draft and it is a very good draft. It is a very good start. I don’t think it should take us a very long time to review and approve this. I don’t think we should do it tonight but I think it is a giant step. What I would like for us to do right now is to get some input on the ethics part from the fellow commissioners. Should we move forward to require employees to sign off on an ethics policy?” Commissioner Battle responded “Yes.” Commissioner Lucas responded “Yes.” Commissioner Jefferies responded “Yes.” Chairman Hall continued “I will ask the county manager to take the policy that the county commissioners had to sign off on and see where there needs to be some modifications and to get it back to us to look at so that we can move quickly to inform staff that we do expect them to not only act ethically but these are the things that we have concerns about in general. It won’t be the answer to all the problems but I think it is a good start to communicate the expectations that we expect people to act ethically. Sometimes ethics is hard to define.”

RESTORATION OF THE CASWELL COUNTY CONFEDERATE MONUMENT

Mr. Howard stated “I traded emails with the gentleman who actually first approached us about it. What the process would be is we would tell them that we are okay with this project and we want to move forward with it. They will go out and get a list of the companies who do this type of work and then they will get an estimate on how much it will cost. There will actually be a fund

raising period. They don't have the money to do this right now but they will raise the funds to do it. During that time frame we will be able to assess policies and procedures on the different ways of doing it on how it would work best and on how we want to move forward. Right now it is just approving it in concept. They will find out how much money they need to raise and then we will move forward after that."

Commissioner Lucas moved, seconded by Commissioner Travis to approve contacting the Roxboro Grays to let them know that the Board is interested in renovating the monument contingent upon them raising the funds to do so. The motion carried by a vote of four to two with Commissioners Battle and Jefferies voting no.

BOARD OF ELECTIONS PLAN

Mr. Howard stated "We have received approval from the Justice Department to move the Board of Elections' office. In the time frame that we were waiting on that we decided on a different layout than what we had previously discussed that would probably work more efficiently for that office. One is how they set the office up and two to have the one stop voters in there. What we are proposing to do is the Board of Elections will take about half of that large back room and turn that into their office close that off and put a wall up back there to have one large office with some storage area in the back corner. The computer room is where they could store the voting machines. They would have room to work on them in there and they would have additional storage in that space. Our plan is to do most of the work in house using the prison labor on the contract we approved. Right now the rough estimate for the materials for this wall is about \$2,000."

Commissioner Travis asked "With this plan is the Chamber coming out of there?" Mr. Howard responded "No, this actually starts at the Animal Control office. The Chamber will stay in the same place that they are. You have an empty office and then you have Animal Control. I just included the back part of the building. We would still have two offices left that we could use for something else. Elections would occupy the yellow areas, the back part of that room and what is the old computer room that was the old senior center. There would still be a large area in the back that we could still have meetings in and then when we do the one stop voting there would be ample space to do that back there." Commissioner Travis asked "So the Elections' office will be in the back, right?" Mr. Howard responded "Yes sir. What that allows is we will have a drop down door or something back there that will allow them to still monitor the elections and have access to the office at the same time. There will be a counter back there for folks to come to kind of like what they have now where you cannot get all the way back to them. It will be a counter where people can come in and conduct business."

Commissioner Lucas asked "So the total cost for doing this relocation would be what?" Mr. Howard responded "I don't have the total cost. We have the cost of the IT stuff too. I would say less than \$10,000. We budgeted \$20,000." Commissioner Lucas continued "We budgeted \$20,000?" Mr. Howard responded "Yes ma'am. It would definitely not be more than the budget. The materials cost is a lot less and if we do the thing with the prison we will be able to use the prison labor so that will save us a good deal of money." Commissioner Lucas asked "Again the reason for the relocating the Board of Elections is why?" Mr. Howard responded

"There was a request from the DA's office for additional office space and the Board approved that several months ago." Commissioner Lucas stated "A direct request from the DA's office." Mr. Howard responded "Yes, it was actually the previous DA." Commissioner Lucas asked "Previous DA?" Mr. Howard responded "Brewer." Commissioner Lucas continued "So there was a request for additional office space?"

Commissioner Battle asked "So the wall that you are going to put up you are going to put some type of door there?" Mr. Howard responded "Yes, they are going to put a door there for them to enter and there will be a counter built in somehow for citizens to come up and then to register or whatever they need to take care of." Commissioner Battle continued "So for the storage room, is there a door there in the hallway?" Mr. Howard responded "Are you talking about the computer room and storage area? There are already two doors to that room."

Commissioner Travis stated "It looks like to me where you have the computer room that would be better for an office." Mr. Howard responded "We looked at that with Mary Jo and everything but it is a very narrow room in how it is set up. To get the system access and to put the counter up in there it is limited. They need two desks and a number a filing cabinets they have right with them, it was limited in that space." Commissioner Travis continued "The room there is larger than what they have now." Mr. Howard responded "Actually it is not. It is the shape of the room that makes it harder to use if that makes any sense." Commissioner Travis stated "It does not make sense to me when you have all of this room and we are using it as storage." Mr. Howard responded "I understand that but the idea was to be able to monitor the one stop voting from that area." Commissioner Travis continued "This is my problem, if we are going to pay for it we need to do it the way we want to do it." Mr. Howard responded "This is my recommendation based on their needs and concerns and trying to utilize the space efficient as possible. We will be applying for grants. It is a very good possibly with this back door back here; we are applying for grants to possibly convert that door to the main entrance partly through the ADA grants to make that a handicap accessible door and to pave that parking area down there." Commissioner Travis asked "Well the way you have this set up now doesn't Animal Control go out that back door?" Mr. Howard responded "Yes sir." Commissioner Travis continued "Well the one stop people are not going to be able to go through there." Commissioner Lucas added "That is what I was talking about. The one stop voters will be getting bottlenecked in that one hallway." Mr. Howard responded "There is no good way to set that up."

Commissioner Lucas asked "What about the parking?" Chairman Hall responded "Let's deal with the real issue, the way that Animal Control enters and exits the building to me is not an issue. If the floor space is the issue then we need to stick with the floor space."

Commissioner Travis asked "When you do not have voting here in the back what is it going to be used for?" Mr. Howard responded "It will be an open area where we can have meetings back there and things of that nature." Commissioner Carter added "Like our Farmer Lake Board meetings." Mr. Howard continued "The office will not be as big as it was but we can still have a meeting with 15 or 20 people easily in there." Commissioner Travis continued "Well as far as moving the Board of Elections that is fine but as far as the one stop voting they never set it up right." Commissioner Carter responded "It is being set up in the Municipal Building now, the one

stop voting.” Mr. Howard responded “My understanding is that is going to be a polling place and not the one stop. They want to have that close to their office so they can man that with elections staff.”

Commissioner Carter stated “Before we move I think we need to get a clear understanding because my understanding from DA Bradsher is they don’t need the space.” Chairman Hall responded “Let me say this, even though the space was requested the Board of Elections also made a request to this Board. This Board approved the move. Now if you want to change it then somebody put a motion up that says to keep them there but discussing who thinks what, is not an issue.” Commissioner Carter stated “I did not know they made a request.” Commissioner Lucas asked “When did the Board of Elections request this?” Chairman Hall responded “It was some time ago. We have talked about this for at least two or three years and we approved it.”

Commissioner Battle stated “So the idea is they are allowing us to move before they kick us out. They are saying that they are going to ask us to move before they say hey we are just going to take the space because they can take all the space they want.”

Chairman Hall stated “I am saying this because it seems we want to get bogged down in the wrong issues. We agreed to the move. We asked staff to bring us this plan and they did. Now we want to go back and question who said what about the move. We have already voted for the move. Let’s deal with the plan.”

Commissioner Jefferies moved, seconded by Commissioner Battle to accept the plan that the County Manager has prepared. The motion failed by a vote of three to three with Commissioners Carter, Lucas and Travis voting no.

ALAMANCE/CASWELL PBH MERGER UPDATE

Mr. Ferrell stated “This is going to be a very brief update. I know there was some discussions at the most recent special meeting on the LME merger status. Kevin, the County Manager and I went last week to the Burlington Office of the county attorney and we talked with LME staff as well as Alamance County staff about the status of the winding down of the existing LME and the move forward with PBH. There were also some discussions about an Interlocal agreement that was also brought up during your special meeting. The Interlocal agreement is now designed to be between Alamance County and the existing LME for the management of COBRA benefits to those employees who have now lost their job to the transition. Also the serving of the retiring benefits by Alamance County for those eligible LME employees because the existing LME is no longer going to exist to manage those accounts. That service is going to be provided by Alamance County. It is going to be funded primarily through an initial deposit of some two million dollars of the existing accounts of the LME before it winds down. During that meeting it was discussed since we are neither providing the service nor paying directly for the cost of that service that Caswell County was not a necessary party and that was agreed to by everybody at the table with the agreement moving forward with just those two parties. That is an update on that agreement that was discussed during your special meeting. I don’t expect any additional merger documents to conclude this transaction. I don’t expect anything else forthcoming. PBH has taken over the operations of the LME. What you will see next out of this transition process

is there will need to be a public hearing concurrently run in Alamance County and here in Caswell County to essentially dissolve the existing LME and there is a statutory process for that. The next step in the process in the next few months I will expect a public hearing notice for the dissolution of the existing LME.”

Commissioner Jefferies stated “I think that we are supposed to have sent two million dollars down there but we are not going to be able to do that. We will be able to send one.” Mr. Ferrell responded “Thank you for that clarification. There was some changes in the initial funding of this retiree benefits account or project ordinance that will be housed in Alamance County. I knew there were some late changes to that and it sounds as if the funding deposit has changed.”

BOARD OF ELECTIONS (cont’d)

Commissioner Lucas asked “Chairman Hall can we readdress Item 18 Board of Elections Plan?” Chairman Hall responded “Yes.” Commissioner Lucas continued “Since we are looking at replacing the Health Department’s roof as well as other capital needs we have in the county.”

Commissioner Lucas moved, seconded by Commissioner Travis to not move the Board of Elections from the current location, leave it where it is.

Commissioner Jefferies stated “We have already had this discussion Mr. Chairman. We made a motion to move them. Are we going to go back and tell them that they can’t?” Commissioner Lucas responded “As I mentioned earlier I am concerned about the parking and the bottle necking of the plan that was presented tonight. I also think there is a safety issue. We have law enforcement where the Board of Elections is now. Those are just personal concerns of mine.

Upon a vote of the motion, the motion passed by a vote of four to two with Commissioners Hall and Jefferies voting no.

RESOLUTION FOR REDISTRICTING

Mr. Ferrell stated “You have before you once again the Resolution for Redistricting that has been before you several times. I know in your special meeting there was some further discussion with the School Board on the redistricting plans. There was a particular question raised, a legal question raised about whether or not the prison population should be excluded from the population figures for purposes of “one person, one vote” compliance and also for purposes of determining majority minority districts. Researching relevant case law and talking with the Institute of Government the prevailing view is and my view is that for purposes of equal protection “one person, one vote” it’s the total population which includes the prisons that should be used for the equal protection analysis. Now the second analysis though that must be done in Caswell County in particular because we are Section V and particular because there is a history of the consent decree to consider is maintenance of the ability of African Americans to elect candidates of their choice. When you look at that analysis the questions of voting age population in different districts and excluding certain populations like the prisons who don’t traditional vote become important considerations as well. For purposes of equal protection compliance it is my

view that the total population including prisons and any other facilities or groups should be counted for that purpose. Otherwise the manager has some additional information.”

Chairman Hall stated “Let me make sure on what you are saying. We have two things to consider, the ‘one man, one vote’ rule and then the consent decree. For the ‘one man, one vote’ rule we are suggesting that we should include the prison at the work farm?” Mr. Ferrell responded “That is correct.” Chairman Hall continued “For the consent decree did you make a suggestion on that?” Mr. Ferrell responded “I think for the consent decree and when you say consent decree what I am thinking in my mind is the preclearance requirement with the Department of Justice whereby we have to show that there has not been retrogression in the redistricting process. Just to clarify that, I think the voting age population is a legitimate consideration and I think looking at who is actually going to vote is relevant to that determination. I don’t know if I answered your question or not.” Chairman Hall responded “I agree with what you said. I think you left it fuzzy as to whether or not you think for the preclearance requirements that the prisons should be left in or taken out.” Mr. Ferrell stated “I don’t know if I can tell you definitively. I can run the pros and cons of both approaches for you. I think on the side of keeping the prison population in what it makes is a much simpler analysis as to the number of African Americans you have in the districts. You don’t have to change the numbers from the ‘one person, one vote’, it is the same analysis, it is simpler in that regard. I think on the side of looking at eliminating that population for purposes of Section V you really start digging down deeply into the issue of okay what is the real voting population going to look like in these districts if we draw these lines because we are really cutting to the chase on who is actually going to vote. I think there are reasons to look at it on that side. It makes the analysis more complicated certainly.”

Mr. Howard stated “What I have handed you today is basically the information you have received previously, I just put it all in one packet. The first page is the breakdown of where we are at. It shows the voting districts as they stand now without making any changes. The second page shows where they were in 2000 when the redistricting was done. The third one shows the percentage of change in population in each district and countywide. The last two show you the voting age population total and then minus the correctional facility population. The second page is the option that was presented by the Southern Coalition for Social Justice and the map for that. This does not include the prisons in the total population. If you look the Ideal is 4523 if you include the prisons it should be 4744. That is what they proposed we looked at the last time we were here. The next page adds the prisons back into the total population and in the breakdown so those numbers are included in the percentages for the black voting age population. This just does voting age population I don’t have the totals for black population. It is just voting age for this one. Then you have the map which is Exhibit A which is the Option A which was considered a few weeks ago. This is the one the School Board adopted. The last page takes Option A and excludes the correctional facility population. It gives you the percentages for that. Voting age population. The second one includes the correctional facility in that count and just the voting age population. The last one is Option A with total population which is what was discussed in the previous meetings. I was just trying to put everything in one packet for you to look at as far as the statistics go. Are there any questions on that?”

Commissioner Lucas stated "Considering we just got this information, I don't like receiving this tonight." Mr. Howard responded "I just received some of the information today."

Chairman Hall stated "We will take a look at this additional information for the redistricting."

Mr. Ferrell stated "There are time, and I am not suggesting that there be a vote by any means, but there are time considerations. I think this is just relevant to bring up once again. I know we have talked about this one time before but essentially we have to get this to the Department of Justice as soon as we can to get into their cue to review this for the preclearance prior to the next set of county elections and the filling period really for those elections which is the first of next year. Just be aware that there are deadlines approaching."

Chairman Hall asked "Does everybody understand what the counsel is saying? We have deadlines. From what I understand the Justice Department asked to allow 60 days to process this. Our filing period for the next election is sometime in February. We have two major holidays coming up. We will be hard pressed from this day forward assuming everything is acceptable to the Justice Department to get this handled. If we run into any obstacles we could not make it. That is basically what you are saying." Mr. Ferrell responded "That is exactly what I am saying. Keep in mind it is not just when this Board approves it. The county manager and I will be preparing a lengthy application to the Department of Justice that will include all of your meeting minutes, all the data that has been discussed, some of the rationale behind what you did and the numbers behind it. So there is some work for us to do to get that application in even after this Board takes its action so if you would please consider that into your time frame."

Commissioner Travis asked "This Option A in the back that is the one the Board of Education approved right?" Mr. Howard responded "Yes, Option A is what they approved." Commissioner Travis continued "What they approved was the one in the middle right?" Mr. Howard responded "Let me explain the difference to you. What they actually approved was based on total black population not voting age population. What I did was to show you the voting age population and how it changed the percentage. Does that make sense? All three of those represent that map."

Commissioner Travis moved, seconded by Commissioner Carter to approve Exhibit A, the same as the School Board.

Commissioner Battle asked "Mr. Chairman just for clarification the one on the back, Mr. Travis you are talking about Option A with total population correct?" Commissioner Travis responded "No, it is the one in the middle." Mr. Howard added "What you are adopting is the map. The three options on the back all reflect statistics based on the Option A redistricting map. It does not matter which one on the back you pick, it is all the same thing."

Mr. Ferrell stated "As a matter of process before you redistrict you must adopt the resolution that sets up the redistricting. So the motion should be to approve the resolution with and actually Exhibit A to the resolution is the map you are talking about but the resolution would need to be adopted before the redistricting is done here. Approving this resolution would accomplish the approval of this Option A that you are talking about."

Commissioner Lucas asked "The resolution in here includes Option A?" Mr. Ferrell responded "That is correct. This is the same resolution that has been with you ever since a couple of days following the school board meeting when you asked me to prepare it."

Commissioner Battle asked "With all of that considered, that is counting all African Americans in that number whether it be a one year old or a 17 year old." Mr. Ferrell responded "You have different sets of data for you now. On that last page, page 5 Kevin just mentioned, there are three different sets of data for you to consider."

Chairman Hall asked "His question is back to the one that the school board approved. What data is embedded in that as it relates to the African Americans in Caswell County?" Mr. Howard responded "What I am trying to explain is on page 5 that data is based on the same map. It is just different ways to look at it. What the School board saw was the last one which was all population." Commissioner Battle responded "Right so that includes me and it counts my sons that can't vote. That is the point I am getting at. So the numbers are skewed because it is counting kids that can't go to the polls thus making that number look larger than what it is. I just wanted to clarify what we are talking about." Commissioner Travis stated "The white population is the same thing." Mr. Howard responded "Yes sir." Commissioner Battle stated "But you are already the majority anyway. It should be the voting age for both races because a child cannot vote. But when you do that and you are already on the low side it already makes you look bigger than what you are and you are not. It should be the voting age in my opinion."

Chairman Hall stated "I understand what you are saying Mr. Battle but I think from what Mr. Howard just said if you will look the information is broken down. In the first block the correctional facility population is excluded. There is a block in here for the voting age population. Those are the things that we need to be concerned about. My real concern goes back to the prison." Commissioner Travis stated "There is still more blacks than there is whites and that is without the prisoners." Chairman Hall responded "It is more in number but it is not over 50% in District 3. It is 49.34% which is not a majority." Commissioner Travis stated "It is not quite a hundred people more." Chairman Hall responded "That does not matter." Commissioner Travis stated "You are looking at the percentage. I am looking at the number of people."

Commissioner Travis asked "Can I ask a question? What if that prison was in my district would you take it out?" Chairman Hall responded "That is a two part answer. Number one we will have to deal with the 'one man, one vote' issue and number two if you were a minority and you were covered by the consent decree I would say to take it out of there. I think I have to say this I think that there are some that just don't want to change what we are doing. The attorney used the term simpler. From my point simpler is not an issue, it can be as complex as it needs to be to conform with the law as it is in the consent decree and certainly the spirit of the law. We have talked about the prisons for quite a while. You can cut it any way you want to but if prisoners are felons they cannot vote. I talked with the Board of Elections and no prisoners have ever voted in this county. If they are serving a misdemeanor the only way they can possibly vote is if they request an absentee ballot and have it sent to their home. Practically speaking we all know that the prisoners do not vote so it appears to me that the issue is a little deeper on what we are trying

to do. I strongly believe that we need to comply with the consent decree and I am going to be on the opposite side of this the minute we accept this option that Mr. Travis has in his motion.”

Commissioner Travis asked “Has anybody checked to see how many people in the rest homes are voting? Nobody wants to consider that.” Chairman Hall responded “My response Mr. Travis is the rest homes were not a consideration when the consent decree was handled.” Commissioner Travis asked “So they did not even consider those people?” Chairman Hall responded “No, that was not a part of this issue. The people in rest homes have the option to vote. Felons do not have an option. That is the law in North Carolina.” Commissioner Travis asked “How many people in the rest homes in Caswell County vote when they live in Rockingham County, they may live in Alamance County. A lot of those people are not from this county.” Chairman Hall responded “You just answered the question. The census was designed to do several things. It addresses where people are at the time. That is what it is designed to do. With the consent decree there is an issue that Caswell County has had a history of not electing minorities and the federal court says because of the history and other things that they found majority minority districts were established. Now whether you agree with that or not...” Commissioner Travis stated “But not all the counties have to do that.” Chairman Hall continued “No there are forty counties that are covered.” Commissioner Travis stated “That really does not bother me. What bothers me is when you take say Prospect Hill, I have been serving those people down there for going on 13 years and now someone who lives on 158 will be looking after those people down there. The people I have talked to are not happy. I have been representing those people for years and all of a sudden it is going to change. I don’t have a problem with what you are wanting to be done but we need to do it another way. I think we need to consider the whole county. We have people in the county whether white or black that are not going to vote.” Chairman Hall responded “I understand all of that Mr. Travis and I understand what you are saying. It is obvious that we disagree and that is why I made the comments that I did. I will just leave it at that.”

Upon a vote of the motion, the motion failed by a vote of three to three with Commissioners Battle, Hall and Jefferies voting no.

Commissioner Lucas asked “Chairman Hall what does that mean? Is there going to be a hindrance in addressing the issue?” Chairman Hall responded “We are going to have to address the issue. There should be no hindrances. I think that for a couple of reasons there are philosophical differences about the way we are addressing this issue. I can’t explain anymore. But we will have to address this.”

Commissioner Carter stated “I don’t have a problem with redistricting but my concern is the same thing as Kenneth. My district has been moved to Leasburg, Prospect Hill, and I am getting a lot of flack because of it. It is scattered all about. Before it was Yanceyville, West Yanceyville and part of Providence and little bit of Leasburg.”

ASCAP COPYRIGHT LICENSE AGREEMENT

Mr. Howard stated “To make this one quick, if we are going to play music at the Senior Center or the Recreation even if it is playing it just for yoga classes or aerobics classes we are supposed

to have some kind of agreement for the copyright for this material from artists who record the music. We have gotten by in the past because without having a way to provide those royalty costs, basically because we are playing it in public is why we have to provide the copyright on it. We received a letter from ASCAP which has made us aware that we do not have an agreement with them to provide these royalties so they are saying we either need to stop playing the music or pay this \$309 a year to have the right to play the music.”

Commissioner Battle asked “Does the school board do the same thing?” Mr. Howard responded “They are supposed to.” Commissioner Battle continued “They are doing it too?” Mr. Howard responded “I don’t know if they are doing it or not. We got a letter from the organization telling us that we needed to do this or they can take legal action against us.”

Mr. Ferrell stated “This is typical. I have seen this in other local governments. If they know you are playing music, which most municipalities and counties at some point in their facilities do, they want their royalties and they send you this letter. I have seen this before. They are not just picking on Caswell County.”

Commissioner Battle stated “It sounds like extortion.” Chairman Hall responded “It is not that. This copyright law has been in place for a long, long time. We ran into this when I worked at the university and it could be that somebody reported us or it could be just a fishing expedition. Your question about the schools, it would not only be the schools it could be any public body. If you play any music then you have to follow copyright laws. It is just one of those things.”

Commissioner Lucas asked “I was just curious, specifically did it address where we are playing music or...” Mr. Howard responded “No I just gave you examples like the aerobics classes at the Senior Center or the Rec. we play taped music or CDs for those classes. We are playing it in a public setting so we have to observe the copyright laws. You are not playing it at a private setting like your home.”

Commissioner Travis stated “If that is the law we need to do it and move on.”

Commissioner Battle asked “Is this the only entity we have to do this for?” Mr. Howard responded “Yes sir.” Commissioner Battle continued “So they are the ones and we don’t have to worry about anybody else?” Mr. Howard responded “Right.” Chairman Hall added “All of the county government will be covered.” Mr. Howard stated “Everybody under Caswell County would be covered. It does not cover the schools and it does not cover Yanceyville. The fee is based on the total population of the entity that is covered. If it more than 25,000 it is \$309.00.”

Mr. Ferrell stated “What this ASCAP is, they come together to represent lots of artists so they essentially are managing these copyrights for these artists. Of course it does not cover every song ever written. It does not give the county the ability to go out and play whatever it wants but there are so many thousands of songs that is covered that it basically has you covered.”

Commissioner Lucas asked “I was just reading it and it addresses special events. It defines special events as music events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by licensee for which the gross

revenue exceeds \$25,000.” Chairman Hall responded “That is a separate license, like if you have a concert coming up.” Mr. Howard added “That is separate from what we are doing.” Mr. Ferrell stated “This is a basic fee that covers what you are doing. But if you are going to go out and have an event they want a cut of that as well.”

Commissioner Carter moved, seconded by Commissioner Battle to approve the ASCAP copyright license agreement.

Commissioner Lucas asked “Where will this money come from?” Mr. Howard responded “We will take this from the Licenses and Fees line item that we have. We may have to move some money from somewhere else to cover that but we will take care of it.”

Commissioner Battle stated “I don’t like what we are about to do and I want it to be known.” Chairman Hall asked “What do you not like?” Commissioner Battle responded “The fact that I have to pay some money for a CD that has been paid for and I have given the artist their royalty by buying that CD. That is what I don’t like. To me you are telling me that I have to pay you some more money because I am making a profit off of it or what have you. I just don’t agree with that because they got the royalty when I bought the CD. But none the less I just want it known that I don’t agree with it.”

Commissioner Carter stated “I just wanted to make a comment. What threw a flag was for me when you said the seniors, I am like Erik I know we have to do it but the Senior Center is non-profit or am I wrong on that.” Chairman Hall responded “It does not matter. We ran into this early on. When I first went into the university as the finance officer we did not have these things in place. As soon as the big concerts starting making big money then these folks started showing up stating there was a copyright law. It is the same thing as say photography. You can’t go down to Olan Mills and get a picture made and make a copy of that picture and spread it around because Olan Mills has the copyright on it. You would have to pay them again Mr. Battle even though you paid them for that portrait. It is kind of the same idea. There are people fighting against this but it is just going to have to go to the courts.”

Upon a vote of the motion, the motion passed by a vote of five to one with Commissioner Lucas voting no.

RESOLUTION AUTHORIZING UPSET BID PROCESS FOR THE SALE OF REAL PROPERTY

Mr. Howard stated “We have had an offer on a 4.7 acre lot in the Yanceyville Industrial Park by S & B Associates. They own the building behind this lot. It is a 20,000 square foot building. It is the old pallet plant. They have a company that wants to buy that building but that company wants the lot in front of it so S & B Associates is making an upset bid offer of \$6,000 for that lot in order to sell their property to the company that is coming in. There is a potential client in economic development that is going to purchase that building and they want the property tied down now for future expansion and they have asked the current owner to go ahead and to acquire that property as part of the sell to them of the building. The offer is \$6,000. It will be part of the

upset bid process. We will advertise in the paper and it would be 10 days for an upset bid to come in. If one does not come in then that sale would be final for \$6,000.”

Commissioner Battle asked “Is \$6,000 adequate for that parcel?” Mr. Howard responded “I would not say that \$6,000 would be the appraised value for it but again this is kind of an economic development kind of thing. We are not selling the property to a client directly but it is part of trying to bring someone into the county.” Commissioner Battle continued “So is it feasible to say maybe not do the appraised value but do something a little below the appraised value and come back with it or what do you think?” Mr. Howard responded “That would be possible to take it back to them if that is what the Board wants to do.” Commissioner Battle added “I just get the feeling just like, with the gentleman from Beacon Towers, people come to Caswell and say we can buy you for what we can buy you for move on and raise the price up and sell it to someone a little bigger.” Mr. Howard responded “My standpoint on this is this is an economic development adventure. This is in public because we are not selling it to the client. The way it is normally done in an industrial park is we have it in our possession so we can sell it cheaper to someone who wants to locate here. That is the way I am looking at this. I do know that there is a time frame. The company wants to move quickly and the actual location is contingent on them acquiring this property. They need it for expansion. They do not have enough parking area. They could possibly increase the size of that building in two or three years by 20,000 square feet. They would need to come to the front because there is not enough room in the back of the lot to do that.”

Commissioner Lucas asked “Kevin, who authorized the resolution?” Mr. Howard responded “You will have to authorize the resolution.” Commissioner Lucas continued “I know but who authorized this particular one to be put in place? I thought we were supposed to have a special called meeting, is that right concerning this?” Mr. Howard responded “We tried to call a meeting but we did not have a quorum.” Commissioner Lucas asked “So we just moved forward with the resolution, is that right?” Mr. Howard responded “Right, it was just moved to this meeting.” Commissioner Lucas continued “We did not have a resolution before I don’t think.” Mr. Ferrell responded “No, I drafted the resolution based on the state law requirements for an upset bid process to be followed. This is much like the resolution that you saw earlier tonight for the long term lease for the tower. It just sets forth how the upset bid procedure works. In my view a resolution, if you want to move forward, is the way to move forward in this process.” Commissioner Lucas asked “And this says that they have already paid the deposit, is this correct?” Mr. Howard responded “Yes ma’am.”

Commissioner Carter moved, seconded by Commissioner Battle to approve to resolution authorizing the upset bid process for the sale of real property.

Commissioner Lucas asked “And the tax value on the property is?” Mr. Howard responded “Forty-seven thousand. It is questionable if the lot is worth that much. There is a huge gully that cuts across the middle of the property. I am not saying it is only worth \$6,000 but it is questionable as to what it is worth, the actual tax value due to the development cost that would be needed.” Chairman Hall asked “Did you say forty-seven thousand?” Mr. Howard responded “\$47,000.” Chairman Hall continued “On this 4.7 acres?” Mr. Howard responded “Yes sir.”

Commissioner Battle stated "We need to find a way to get our money back once they move in. Like I said people think they can do whatever to Caswell County because we have no money."

Mr. Ferrell stated "I would like to say the county manager is talking about this in the economic development context but there is a statutory mechanism for doing economic development projects and this is not it. What this is, is an offer to sell property with no strings, no contingencies for \$6,000 subject to the upset bid process so it is important that you understand that." Mr. Howard responded "I also want you to understand that this company is not asking for any other incentives."

Mr. Tony Smith with S & B Associates asked to address the Board.

Mr. Smith stated "My name is Tony Smith and I represent S & B Associates. I have a long lasting relationship with Caswell County. We have developed I think four shell buildings in this county. The first was Classic Hosiery in the early nineties. Then later Chemtek and then later Sunline USA and Wizards Cauldron and most recently L & S Enterprise. We sold this building to L & S Enterprises several years ago in which you may or may not recall. That building went into foreclosure and we came back and we bought it again. We have an offer from a Fortune 500 company to come in here and to do some good things in the county. I am not at liberty to say what those things are but there are some local ties to our heritage is what is going on here. They are not asking anything of the county. They are asking me to help to sweeten the pot so it will encourage people to come in. They do need this four acres that is in between the County Home Road and my building. That is the last piece of this puzzle to make this deal work. We want to go about it legally so we can treat the people of Caswell County fairly. I think in the long run it will be a real benefit to the county. Not only are we having a company to come in but they are going to add to the tax value, I heard today as much as two million dollars worth of equipment will be going into this building. We need to look at tax return here to make this sacrifice of four acres. What are you going to do with four acres in an industrial park? That is really not enough land to build a building. It is just not enough. Thank you."

Upon a vote of the motion, the motion carried unanimously.

**Resolution Of The Caswell County Board of Commissioners
Authorizing Upset Bid Process For the Sale of Real Property**

Map and Parcel: 0067 020
PIN Number: 899720927123
Tax Number: 0067.00.00.020.0000

WHEREAS, Caswell County owns certain property; located on County Home Road in Yanceyville Township, North Carolina within the Caswell County Industrial Park containing 4.7 acres more or less, and being a portion of that certain property conveyed to Caswell County via General Warranty Deed recorded in Deed Book 244, Page 625 of the Caswell County Registry and being further identified as having PIN 899720927123; and

WHEREAS, North Carolina General Statute 160A-269 permits the county to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$6,000.00, submitted by S&B Associates, LLC; and

WHEREAS, S&B Associates, LLC has paid the required 5 percent (5%) deposit on its offer;

THEREFORE, the Caswell County Board of Commissioners resolves that:

1. The Caswell County Board of Commissioners authorizes the sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of County Commissioners.
5. A qualifying higher bid is one that raises the existing offer by not less than 10 percent (10%) of the first \$1,000 of that offer and 5 percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of 5 percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that:
 - A. The County Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed; and
 - B. The buyer must pay with cash, cashier's check or certified check at the time of closing.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property.

This the 19th day of November, 2011

S/Nathaniel Hall
Nathaniel Hall, Chair
Caswell County Board of Commissioners

COUNTY MANAGER'S REPORT

County Project Updates CATS Expansion

Mr. Howard stated "The CATS expansion is running along on schedule. It should be completed within the next two to three weeks."

Pelham Water Tank

Mr. Howard stated "You approved the contract for the sewer. The tank is still on schedule. The painting should start shortly, weather permitting. Back this summer you approved the excess funds we had left over from the bid process to go towards sewer and road development. We got approval from Golden Leaf to change their funding to cover that about a week ago. Construction for that phase of the project should be completed in February of 2013. That is another year out from when the tank will be completed. I just wanted to make you aware of that schedule."

Town of Yanceyville Meeting Date

Mr. Howard stated "Schedule a meeting with Yanceyville. We talked about meeting quarterly with them after the meeting this summer. That meeting needs to be scheduled."

Chairman Hall stated "We need to offer up some dates to the Town of Yanceyville for a meeting. We agreed to have quarterly meetings. We also agreed that the chairman would meet with the mayor but since we did that the mayor got real upset with the chairman. We still need to move forward and offer up the dates to the town council."

Commissioner Battle asked "Do we have something that we are going to talk about or do we know what we are going to talk about at this next meeting?" Chairman Hall responded "Not right off but I am sure between the two boards there are some things that we do need to discuss just to keep things going even kill PR wise." Commissioner Battle continued "I did not know if we had something already on our minds." Chairman Hall responded "Well I will throw this out

since it is the next item on the County Manager's Report, the NCDOT meeting date. After our meeting about a month ago I sent the district engineer a letter concerning the town square and you should have a copy in your packets, a copy of his response. That letter really upset the mayor. He was so upset he could hardly talk. I did not have a clue as to what was going on so that is one of the issues. It was just a misunderstanding as far as I was concerned. So that we don't have these kinds of misunderstandings we can talk these kinds of things out up front so we will not have these ill feelings."

Commissioner Lucas asked "How long ago was that?"

Chairman Hall stated "Let's do this. Everybody look at their schedules and get two or three dates and get them to Paula so that we can get something out to them." Commissioner Jefferies stated "I think we should have a meeting with them." Chairman Hall continued "Do we want to do a day or evening meeting? The majority is saying an evening meeting so get some dates to Paula and then we can put something together to communicate with the town council."

Commissioner Travis asked "Where?" Chairman Hall responded "Where would you like to meet?" Commissioner Travis responded "Here." Chairman Hall stated "We can invite them here." Mr. Howard responded "We met at the Senior Center the last time."

NCDOT, Mike Mills, Meeting Date

Chairman Hall stated "After reading the letter from the engineer I understand somewhat why the mayor got upset because the engineer said to the district engineer specifically that I met with the mayor. We have been talking about his since May and also like what's your beef? This Board was not informed of it."

Commissioner Travis stated "The first thing he told me was it was for safety." Chairman Hall responded "Well the letter was mailed and what we want to do now is to indicate to the district engineer when it is a good time to meet with them to discuss this issue."

Commissioner Carter asked "Did the Board approve the letter or did you just send the letter? Is that why he is upset because you did it on your own or what?" Chairman Hall responded "We did not take board action I don't think. In my mind I sent the letter based on the aesthetics. I went out there with my camera on the southwest corner of the square. If you try to take a picture of the square you will get five stop signs in the picture. If you go to the next corner, the northeast corner and try to take a picture of the courthouse you will get five or six signs in the picture. It takes away from the beauty of our Historic Courthouse. What I have asked them to do is to look at some alternatives, that is all I have done."

Commissioner Travis stated "I think they should have gone across the street and cut down the trees and moved that fence back." Chairman Hall responded "You cannot just take private property." Commissioner Travis asked "Well how can they do it to the square." Chairman Hall responded "That is public property." Commissioner Travis continued "But the county owns it." Chairman Hall responded "They own the right of way. When do we want to meet with the district engineer?" Commissioner Travis responded "We can do it during one of our regular

meetings.” Chairman Hall stated “Mr. County Manager can you communicate with the district engineer to see when he can meet?”

Health Department Roof

Mr. Howard stated “The Health Department’s roof is on your list of projects to look at. The recent rains have shown us that the leak is more significant than we previously thought. What I am asking is to go ahead and to approve up to \$16,552 to go ahead and to repair that roof. When I say significant I mean it is flowing down enough where it is going from the first floor down into the basement as well.” Chairman Hall asked “So we need to take action on that?” Mr. Howard responded “Yes sir.”

Chairman Hall stated “We know we need to fix the roof.”

Commissioner Battle asked “I don’t have a problem with fixing it but do we have a summary of how we plan on fixing it?” Mr. Howard responded “This is replacing the whole roof.” Commissioner Lucas asked “The whole roof or part of it?” Mr. Howard responded “That is the whole idea. It is an old roof and we would like to go ahead and replace the whole roof so we will not have this issue. We don’t know where the leak is coming from. That is part of the problem.” Commissioner Battle asked “What type of roof is it?” Mr. Howard responded “It is a flat, tar and gravel roof.” Commissioner Battle continued “So you are just re-tarring it?” Mr. Howard responded “No, it will be different. It will be a membrane. It will not be tar and gravel like it is now. It will be a rubber membrane.” Commissioner Battle asked “Is it like the one we did on PCC?” Mr. Howard responded “Yes, I think so.”

Commissioner Travis asked “Do you already have bids on this roof?” Mr. Howard responded “That is an estimate we got. We will bid it out. We did not have time. The rains last week is when we really realized how bad it had gotten.” Commissioner Battle asked “I am not familiar with the Health Department. Is it that much smaller than PCC? Why I am asking is the price?” Mr. Howard responded “Yes.”

Commissioner Lucas asked “The bid is for the membrane and not the tar and gravel is that correct?” Mr. Howard responded “I am almost positive on that.” Commissioner Lucas continued “I would like to make sure on that.”

Chairman Hall asked “My understanding is you want us to give you permission to move forward to do this right?” Mr. Howard responded “What I am asking is for you to go ahead and approve it because we have three weeks before the next meeting. If you will approve it up to \$16,552 and if the bids all come in higher I will come back to the Board.”

Commissioner Jefferies asked “Mr. County Manager, are we going to get some kind of guarantee on this?” Mr. Howard responded “Yes sir.”

Commissioner Jefferies moved, seconded by Commissioner Carter to accept the recommendation of the County Manager to replace the Health Department’s roof for \$16,552.

Commissioner Lucas asked "The money will be coming from?" Mr. Howard responded "The capital outlay fund." Commissioner Lucas asked "What is the balance on that with all of these deductions?" Mr. Howard responded "It is still around about seven hundred thousand."

Upon a vote of the motion, the motion carried by a vote of five to one with Commissioner Lucas voting no.

ANNOUNCEMENTS

Commissioner Carter stated "I apologize to the Board for this. What brought my attention to this was when the young lady came before us and spoke to us when she was talking about the food in the schools and stuff. I meant to say something to the Board at the last meeting, I support the William J. Clinton Foundation and it was the 10th Anniversary Saturday. I don't know if any of you had a chance to see it but if you didn't you can go to yahoo.com to see what all the Clinton Foundation has done over in Africa and where they have tried to control the obesity in the schools. When she spoke tonight that is what made me think about it. If you did not get a chance to see it, it is a good concert to see. It shows what is being done all over the United States and all over the country. It is about a 2 hour long concert."

Commissioner Jefferies stated "I understand that one of the employees of Social Services fell on the gravel lot and got hurt and has been out of work for a week or so." Mr. Howard responded "I am not aware of that but I can find out."

Commissioner Battle stated "Ms. Thompson that talked about the puppets. Can we talk to the school board to see if they possibly want to split the cost of getting those puppets? I was excited about her program and I had a lot of questions for her. Honestly, my opinion, I think she should do more than one program per school. As far as revenue I think we need to look at splitting the cost with the school board. I don't mind the county paying for them but I think other sources will use them."

Chairman Hall stated "I think we don't take these things as serious as we should. You cannot imagine what it can do to these children. It would be worthwhile to see if we could get the funds. I know we do budgets once a year. All I can say is you would be shocked that your neighbors or your neighbor's kids have been impacted by this. I saw this first hand and you cannot imagine what it does to kids. With this program I would hope that we would try to help find a way to help fund this. It is worthwhile. Of all the things that we do I think it would be money well spend to get her in the schools and if we could get her into some of these other programs. Again, all I will say is you would be shocked."

Commissioner Lucas stated "Abuse come in many forms. I am not sure it is being handled through DSS properly but I will just leave it at that."

Commissioner Carter asked "Can we put this on another agenda for us to talk about it again?" Chairman Hall responded "Let's put it back on the agenda and see what sources we can find to fund this."

Commissioner Battle stated "I think it would be a good idea for the meetings to have the running balances of the capital outlay and contingency funds for each meeting that we have so we will know how much is in there. I think it would be a good idea to have that." Chairman Hall responded "I think that is a great idea." Commissioner Battle stated "John Claggett has asked about those reports for the last three meetings. Has he gotten what he has asked for?" Mr. Howard responded "We will start making the actual copies this week." Commissioner Battle continued "I don't mind him bringing it up to show we have a deficiency but was there any validity in the emails he was sending out? That he was getting the run around and that he was not getting what he was asking for?" Mr. Howard responded "Yes, it took right at three weeks for him to get a response back." Chairman Hall stated "Let me add something to that. I spoke with the Sheriff and I spoke with some of the others from what I understand it is a total of 583 invoices or some five hundred and eighty plus invoices with their attachments. That will take a considerable amount of staff time to pull and make copies. We have not had this kind of request over the years. We do get them so you have to do it. My suggestion is that we establish a policy on how we will handle these requests and give a time frame. Then if somebody comes in and says I need a copy of this and this then maybe we can do it. If you need copies of five hundred documents then the county staff will have to stop what they are doing then that has to be planned and it may take two or three weeks. We need to know the full story and we need to have a policy that will deal with these issues."

Commissioner Carter asked "Are we allowed to ask questions during public comment? The question I have is he kept mentioned his colleagues and I would like to know who his colleagues are." Commissioner Travis responded "It is a group of people in his community." Chairman Hall responded "The public comment section is designed for any public citizen to come forward and to make a comment before this Board. We are not duty bound to respond or to do anything. What I said during one response was to contact the county manager or the clerk and get on the agenda." Commissioner Lucas stated "I think it is a group in his neighborhood." Chairman Hall stated "We just need a policy. We can have them to cover the cost but we need to have a policy on these types of situations."

Commissioner Lucas asked "How do other counties handle this?" Mr. Ferrell responded "There is a wide variety of ways to handle this. The public records laws have a scheme already in place that specifies a reasonable time for responding to these requests. There is a defined body of statutory law around the public records requests and the response there to so I would caution against doing anything other than taking a look at what is already in place. The cost issue is an important thing to look at as well. Counties do that differently all over when they trigger alternative means to offer the documents." Chairman Hall stated "I think the county manager can get with county attorney on a policy for this."

ADJOURNMENT

At 10:30 p.m. Commissioner Jefferies moved, seconded by Commissioner Travis to adjourn.
The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Nathaniel Hall
Chairman
